LOCAL RULES OF THE SUPERIOR COURT FOR KING COUNTY

EFFECTIVE SEPTEMBER 1, 2006

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LOCAL RULES OF THE SUPERIOR COURT FOR KING COUNTY
Originally Effective September 1, 1974
Including Amendments Adopted Through September 1, 2006

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ZERO LOCAL RULES

FOREWORD

The Zero Local Rules have been adopted for the internal management and operation of the King County Superior Court in conformance with GR 29.

[Effective September 1, 1986]

LR 0.1 DEPARTMENT NUMBER AND SENIORITY

(a) Departments. The Superior Court for King County shall be divided into as many individual numbered departments as there are judges authorized by law. When a judge leaves office, the department number shall be assigned to his or her successor. Each judge in order of seniority may select an unassigned courtroom at such time as the Presiding Judge establishes for assignment of unassigned courtrooms.

(b) Seniority. For matters decided by seniority, such as courtroom assignments, seniority will be determined by length of service on the King County Superior Court. If a judge has a break in service, the prior period of service on this bench will count for seniority purposes. If more than one judge is sworn in on the same day, seniority will be decided by a means agreed upon by the new judges, or, if they cannot agree, by lot.

(c) Assignments. The assignment of department numbers and courtrooms whenever necessary, shall be incorporated into an order signed by the Presiding Judge and filed with the Clerk.

(d) Report to County Election Department. Before the time for filing a declaration of candidacy for superior court judge, the Presiding Judge will report to the County Election Department the departmental numbers of the positions to be filled. The position numbers on the ballot shall be the assigned departmental numbers.

[Effective September 1, 1986; amended effective September 1, 1994; November 21, 1996.]

LR 0.2 COURT MANAGEMENT

(a) Authority. The authority to manage and conduct the court is vested in the superior court judges and shall be exercised through regular monthly or special meetings of the judges. Judges have the final authority over any matters pertaining to court organization and operation and over any individual or committee of the court, except as indicated below.

(b) Judges' Meetings. Regular meetings shall be held once a month. Special meetings may be called by the Presiding Judge as needed. A quorum shall consist of one-third of the judges of the bench. Meetings shall be conducted under Robert's Rules of Order, where not inconsistent with these rules. The Presiding Judge shall chair the meetings. The Presiding Judge shall preside from the Regional Justice Center for the February, April, June, August, October and December meetings.

(c) Majority of Judges. Except where these rules specify otherwise, decisions shall be

made by a majority of judges who are in attendance at a meeting.

LR 0.3 DIVISION OF MANAGEMENT AUTHORITY

(a) Powers and Duties of the Judges.

(1) Elect and remove at-large members of the Executive Committee.
(2) Elect and remove a Presiding Judge.
(3) Elect and remove an Assistant Presiding Judge.
(4) Appoint and remove commissioners**.**
(5) Attend judges' meetings.
(6) Attend committee meetings.
(7) Create and dissolve standing committees.
(8) Enact local rules. Local rules shall be enacted only by a majority of all judges of the court. *See CR 83.*
(9) Adopt policies that govern or provide guidelines for management of the court.
(10) Adopt general policies for the assignment of cases and judges, as recommended by the Presiding Judge and Executive Committee.
(11) Approve the budget of the court.
(12) Request review of any decision made by the Executive Committee. If such a request is made, the decision shall be referred to the judges as a whole for final decision at the next regular judges' meeting.
(13) Review for final approval all non-unanimous decisions of the Executive Committee at the next regular judges' meeting.
(14) Attend and participate in a meeting of the Executive Committee, if a judge chooses to do so. Only judges who are members of the Executive Committee, except a committee chair under LR 0.5(e), may vote.
(15) Participate in administration of the court consistent with CJC 3(B)(1).

(b) Powers and Duties of Presiding Judge.

(1) Lead the management and administration of the court's business, recommend policies and procedures that improve the court's effectiveness, and allocate financial resources in a way that maximizes the court's ability to resolve disputes fairly and expeditiously.
(2) Serve as the spokesperson for the court in all dealings with the executive and legislative branches and with the media. If the matter is of such a nature that the Presiding Judge requires advice and counsel, he/she shall contact the members of the Executive Committee, if possible under the circumstances.
(3) Call such special meetings of the judges and Executive Committee as may be required.
(4) Establish, with the approval of the Executive Committee, special calendars or departments and assign judges and commissioners thereto.
(5) Assign judicial officers to hear cases and other matters pursuant to general policies established by the judges of the court.
(6) Assign judicial officers to the various special and standing committees of the court and appoint the chairperson of such committees.

(7) Assign judges to the King County Superior Court facilities. In making these assignments, the Presiding Judge shall consider all relevant factors including the willingness of a judge to serve, the need for diversity, and what assignments will be in the best interest of the court as a whole. A judge who previously has served at the Regional Justice Center, juvenile court, or other facility shall not be reassigned until all other judges have served at that facility, unless such judge volunteers for service at that facility.

(8) Select, with the approval of the Executive Committee, the chief judges of the juvenile, civil, criminal and unified family court departments and of the Regional Justice Center.

(9) Coordinate the vacations and educational leaves of judicial officers.

(10) Supervise all personnel under the judicial branch, including the Chief Administrative Officer and the Director of the Department of Judicial Administration.

(11) Develop and coordinate statistical and management information.

(12) Supervise the preparation and filing of reports required by statute and court rules.

(13) Perform such other duties as are provided in these rules, or as are assigned by a majority of the judges.

(c) Powers and Duties of the Assistant Presiding Judge.

(1) Serve as Acting Presiding Judge during the absence or upon the request of the Presiding Judge.

(2) Perform such further duties as these rules, the Presiding Judge, Executive Committee or a majority of the judges shall direct.

(d) Powers and Duties of the Executive Committee.

(1) Decide matters of policy affecting the court. Decisions made by unanimous vote shall be final following the next regular judges' meeting, unless modified or rejected by a majority of judges in attendance at the next regular judges' meeting. Provided, however, that decisions involving urgent matters may be implemented after notice to the judges.

(2) Make recommendations on policy matters to the judges at any meeting of the judges.

(3) Recommend the designation and duties of the committees of the court and receive reports and recommendations from committees. Whenever matters to be considered by the Executive Committee concern the work of another committee, the chair of that committee shall be notified of the meeting and shall be considered a member of the Executive Committee for the limited purpose of voting on such matter.

(4) Act in an advisory capacity to the Presiding Judge.

(5) Review and advise the Presiding Judge concerning his or her decision, in the capacity of Presiding Judge, to report a judge or commissioner to the Judicial Conduct Commission.

(6) Determine whether disciplinary action of a commissioner, short of termination, is appropriate.

(7) Approve an expenditure budget and review and approve actual unfunded items.
(8) Determine the qualifications of and establish a training program for pro tem judges and pro tem court commissioners. Training and selection may be delegated to the relevant standing committee.
(9) Conduct the annual performance review of the Chief Administrative Officer and the Director of Judicial Administration.
(10) Meet at least once a month and provide written agenda and timely notice of the regular Executive Committee meetings to all judges and commissioners. If attachments are available in electronic form, they shall be distributed with the agenda.
(11) Promptly distribute to the judges written minutes of action taken by the Executive Committee.
(12) In the absence of the Presiding and Assistant Presiding Judge, the senior member of the Executive Committee shall serve as Acting Presiding Judge.

LR 0.4 QUALIFICATIONS FOR PRESIDING OR ASSISTANT PRESIDING JUDGE

Only those judges who have served for at least four years as a member of the King County Superior Court bench are eligible to be elected Presiding Judge or Assistant Presiding Judge.

LR 0.5 MEMBERSHIP OF THE EXECUTIVE COMMITTEE

(a) The Presiding Judge and Assistant Presiding Judge shall serve as members of the Executive Committee.

(b) The immediate past Presiding Judge shall serve as a member of the Executive Committee for the year following the judge's service as Presiding Judge.

(c) The chief judges of the juvenile, civil, criminal and unified family court departments and of the Regional Justice Center shall serve as members of the Executive Committee.

(d) There shall be six additional members of the Executive Committee (seven if there is no immediate past Presiding Judge) elected at large.

(e) When the Executive Committee is considering a report or recommendation made by a committee, the chair of that committee shall be invited to attend the meeting and may vote on issues pertaining to that committee.

LR 0.6 ELECTIONS

(a) General provisions. Each elected position (Presiding Judge, Assistant Presiding, and Executive Committee) shall be handled by a separate election. The procedures set forth below shall be undertaken separately for each position in the following order: Presiding Judge, Assistant Presiding Judge and members of the Executive Committee.

(b) Terms of office.

(1) The Presiding Judge shall serve a two-year term. The term shall commence on January 1 of the year in which the Presiding Judge's term begins.

(2) The Assistant Presiding Judge shall serve a one-year term, commencing on January 1.

(3) The elected members of the Executive Committee shall serve a two-year term. The terms are to be staggered such that half the elected members are chosen in odd-numbered years and half in even-numbered years. Terms shall commence on January 1.

(c) Solicitation of Candidate. Prior to each election, a questionnaire shall be circulated to every judge to determine whether that judge wishes to be a candidate for the position at issue. The solicitation for the position of Presiding Judge shall occur no later than October 1 of the year in which a Presiding Judge is to be elected. Immediately after a Presiding Judge has been elected, candidates for the position of Assistant Presiding Judge shall be solicited and an election for that position shall be held. Immediately after the election of an Assistant Presiding Judge, candidates for the Executive Committee shall be solicited. The questionnaire for each position shall include a description of the election process and the deadline by which the questionnaire must be returned.

(d) Candidate information. A list of all judges who have responded affirmatively to the questionnaire shall be available from the Chief Administrative Officer throughout the nomination process. One week prior to the deadline for returning the questionnaires, the Chief Administrative Officer shall provide each judge with a list of all persons who have answered affirmatively regarding the race in question.

(e) Reconsideration of Previously Submitted Questionnaire. Up until the deadline for returning questionnaires, a judge may withdraw a previously submitted questionnaire and re-submit a new questionnaire indicating whether that judges wishes to be a candidate for the position in question.

(f) Distribution of ballots. Except where there is only one candidate for a position, ballots will be immediately circulated to all judges after the deadline for returning the questionnaire for that position has passed. Each judge shall return the ballot in the time allotted. Voting may be by absentee ballot when necessary.

(g) Counting. Ballots shall be counted by the three most junior judges present at the King County Courthouse on the first judicial day following the return date specified in the ballot.

(h) Run-off elections. A candidate who receives a majority of votes cast shall be elected. If one candidate does not receive a majority of votes cast, there shall be a run-off election.

(i) Single Candidate. When only one candidate has submitted his or her name for consideration, that candidate shall be deemed elected without the need for the distribution and counting of ballots.

(j) Vacancies. If a judge who has been elected to any office resigns from office or is otherwise unable to complete a term, the Presiding Judge shall promptly establish an election process consistent with the method provided in these rules.

LR 0.7 SPECIAL DEPARTMENTS

(a) Special Departments. Special departments of the court shall be established and assigned such business as is provided by law, by rules adopted by the Supreme Court or Washington State Superior Court Judges' Association (RCW 2.08.230), by these rules, or by the Presiding Judge. The following special departments are established:

(1) Presiding Judge's Department
(2) Unified Family Court Department
(3) Juvenile Court Department
(4) Ex Parte and Probate Department
(5) Criminal Department
(6) Civil Department

(b) Assignment of Judicial Officers. The Presiding Judge shall assign each judicial officer to one of the special departments to facilitate the efficient assignment of cases and motions. However, all judges shall have full authority to hear any case properly filed in King County Superior Court, regardless of that judge's regular departmental assignment. No judge may reject a case assignment on the basis of departmental assignment.

LR 0.8 CHIEF JUDGES

(a) Selection. The Presiding Judge, with the approval of the Executive Committee, shall select a chief judge of the following special departments: Civil, Criminal, Juvenile and Unified Family Court. In addition, the Presiding Judge, in consultation with the Executive Committee, shall select a chief judge of the Regional Justice Center. Immediately after fall elections are concluded, the Presiding Judge, Assistant Presiding Judge, and the at-large members who will be serving on the Executive Committee in the following year, shall meet to discuss the selection of chief judges and to consult with the Presiding Judge on the proposed candidates. The Executive Committee shall at its first scheduled meeting in January of the following year vote on the proposed chief judges. The Presiding Judge shall select chief judges only for the year in which the Presiding Judge holds office.

(b) Term. Each chief judge shall serve a term of twelve months, beginning January 1. The judge may be reappointed for successive one-year terms, in accordance with LR 0.8(a).

LR 0.9 STANDING AND SPECIAL COMMITTEES

(a) Standing Committees. There shall be the following standing committees of judges and commissioners:

(1) ADR: Oversee and make recommendations concerning the mandatory arbitration program and other court-annexed alternate dispute resolution programs
(2) Construction and Facilities: Assist in planning for court facilities; make recommendations about maintenance and upgrading of facilities; monitor construction of facilities.
(3) Courts and Community: Work on behalf of the court with the community, including schools.
(4) Education: Develop education and mentor programs for judges including orientation programs for new judges and commissioners.

(5) Ex Parte/Probate: Work with Ex Parte Commissioners to oversee the ex parte calendars and the handling of probate matters.
(6) Family Law: Oversee and make recommendations concerning the handling of family law matters.
(7) Human Relations: Develop programs for the recognition of community, political, or judicial leaders – past or present – who have dedicated their lives to bringing justice to all people.
(8) Interpreter: Oversee and make recommendations concerning the work of the court's interpreter staff.
(9) Local Rules: Review existing rules and suggest new rules as appropriate based on changes in the law or court procedures.
(10) Jury: Make recommendations as to policies concerning jurors.
(11) Sealed Files/Adoption: Oversee and make recommendations concerning the court's handling of sealed files and adoptions.
(12) Technology: Plan for use of technology in the Court including computer and video, and make recommendations about hardware, software and staffing.
(13) Volunteer Programs Review: Oversee and make recommendations concerning court volunteer programs.

(b) Administrative Committees. The Presiding Judge shall appoint the following committees:

(1) Audit: Develop procedures for and approve expenditures of county funds for translators, experts in criminal cases, and similar matters.
(2) Budget: Draft and recommend to the Court a budget for adoption by the judges.
(3) Commissioner Performance Review: Perform biennial reviews of commissioners and evaluate commissioners as directed by the Executive Committee.
(4) Personnel: Develop personnel policies for adoption by the court.

(c) Special Committees. The Presiding Judge may appoint such special committees as he/she may deem advisable and for a term to be set by the Presiding Judge. Special committees have a duty to study and make recommendations to the Presiding Judge in connection with any subject matters assigned to them. As needed, the Presiding Judge shall convene a long-range planning committee as a special committee.

(d) Departmental, Regional Justice Center, Special Calendar Committees. The Criminal, Civil, Mental Illness, Unified Family Court, and Juvenile Departments, and the Regional Justice Center shall each have a committee that shall include all of the judges assigned to that department, special calendar or facility.

(e) Appointment of Committee Chairs and Members. The Presiding Judge in December of each year shall solicit from each judge and commissioner committee preferences and thereafter appoint the chair and members of each committee, effective January 1. Any judge or commissioner may join any standing or departmental/special calendar committee.

(f) Duties. Standing, administrative, and departmental/special calendar committees shall have the responsibilities outlined above and shall carry out specific assignments from the Presiding Judge or the Executive Committee. By March 1 each committee chair shall submit to the Executive Committee the goals that the committee will seek to accomplish that year. At the end of each year each committee shall report to the Executive Committee concerning the work of

the committee during the year, and shall make recommendations concerning additional matters the committee should address in the future. Committees shall keep minutes of meetings, and the chair shall include an agenda with the written notice of meetings.

LR 0.10 COMMISSIONERS

(a) Appointment. Court commissioners shall be appointed by the judges and serve at the pleasure of the judges.

(b) Recruitment. The judges may select a commissioner for a vacant position by transferring another commissioner to the vacant position, by appointing from the eligibility list or by conducting an open selection process. In the event that an open selection process is to be utilized, the Chief Administrative Officer shall advertise the vacancy in state and local bar publications and accept applications from attorneys.

(c) Selection Committee. There shall be a special committee appointed by the Presiding Judge vested with the responsibility for conducting investigations and interviews as it deems appropriate. Any judge or commissioner may attend and participate, and any judge may attend, participate and vote as a member of the Selection Committee in this selection process, so long as this judge has attended all meetings and interviews. The Selection Committee may submit a list of names of applicants to the screening committees of the various bar associations for evaluations to be completed within 45 days. The Selection Committee shall make a report and recommendation to the Executive Committee, which shall make a recommendation to the judges.

(d) Final selection. The selection of a commissioner shall be made by a majority vote of the judges meeting in executive session. Upon receiving a recommendation from the Selection Committee and the Executive Committee, the judges by a majority vote may transfer a commissioner to a vacant court commissioner's position without considering other candidates.

(e) Eligibility List. After the selection of a commissioner pursuant to the procedure established above, there shall be an "eligibility list" prepared and maintained for one year by the Chief Administrative Officer. The list shall contain the names and all related information of applicants considered in accordance with the procedure described in Rule LR 0.6(a)(1). If the court needs to appoint another commissioner during the one-year period that list is maintained, the judges, upon receiving a recommendation from the Selection Committee and Executive Committee, may appoint someone from that list.

(f) Performance Review. Performance reviews shall be conducted by the Commissioner Performance Review Committee in consultation with the relevant standing committee. The conclusions of the review shall be provided to the members of the Executive Committee and to the commissioner.

(g) Retirement. Commissioners shall retire at the same age at which state law requires judges to retire.

(h) Pro Tem Commissioners. The Presiding Judge and Executive Committee, with the advice of the relevant standing committee, shall be responsible for the selection of pro tem commissioners and shall insure that such pro tem commissioners are properly trained.

(i) Disciplinary Process. The Presiding Judge and the Executive Committee shall determine whether disciplinary action, short of termination, is appropriate. A commissioner may

not be terminated without the consent of the judges as a whole.

(j) Annual Report. Commissioners shall file an annual report with the Presiding Judge by April 15 of each year in a format specified by the Executive Committee. The reports may be reviewed by the Commissioner Performance Review Committee as necessary.

LR 0.11 CHIEF ADMINISTRATIVE OFFICER

(a) Appointment. The Chief Administrative Officer shall be appointed by a majority of all of the judges and serve at the pleasure of the judges. Under the direction and supervision of the Presiding Judge, the specific powers and duties of the Chief Administrative Officer include, but are not limited to, the following:

(1) Administer all non-judicial activities of the court, including case setting and the utilization of jurors.
(2) Employ, assign, supervise and direct the work of the employees of the court except the commissioners, special masters, referees, and each judge's bailiff.
(3) Prepare and administer the budget of the court.
(4) Represent the court in dealings with the state Administrative Office of the Courts.
(5) Assist the Presiding Judge in representing the court on all management matters in dealing with governmental bodies, and other public and private groups having a reasonable interest in the administration of the court.
(6) Prepare the agenda, arrange, attend and act as recording secretary for judges' meetings, and for those committee meetings where the Chief Administrative Officer's presence would be reasonable and productive.
(7) Prepare an annual report to the court.

(b) Vacancy. Upon a vacancy in the office of Chief Administrative Officer, the Executive Committee shall recruit qualified applicants for the position. This may include appointment of a special committee. The Executive and Special Committee will interview and screen candidates for the position, and shall present no more than three final candidates to the judges for their review and consideration. The candidate receiving a majority vote of all of the judges shall be named to the vacancy.

LR 0.12 DIRECTOR OF JUDICIAL ADMINISTRATION

(a) Appointment. The Director of Judicial Administration shall be appointed by a majority of all of the judges and serve at the pleasure of the judges. Under the direction and supervision of the Presiding Judge, the specific powers and duties of the Director of Judicial Administration include, but are not limited to, the following:

(1) Administer the Department of Judicial Administration, including the maintaining of the official court files, (including those maintained in electronic form), records and indexes necessary for the efficient administration of justice and the court system, and supervising the performance of such other duties assigned to the department by the Presiding Judge or a majority of the judges.
(2) Employ, assign, supervise and direct the work of the employees of the Department of Judicial Administration.

(3) Assist the Presiding Judge in representing the court in dealing with governmental bodies, and other public and private groups having a reasonable interest in the record keeping of the court.
(4) Prepare a report for and attend judges' meetings and attend those committee meetings where the presence of the Director of Judicial Administration would be reasonable and productive.
(5) Prepare an annual report to the court concerning the activities of the department.

(b) Vacancy. Upon a vacancy in the office of Director of Judicial Administration, the Executive Committee shall recruit qualified applicants for the position. This may include appointment of a special committee. The Executive and Special Committees will interview and screen candidates for the position, and shall present no more than three final candidates to the judges for their review and consideration. The candidate receiving a majority vote of all of the judges shall be named to the vacancy.

LR 0.13 BAILIFFS

Each Judge shall be limited to one bailiff and shall appoint and supervise his or her own bailiff. The bailiff shall serve at the pleasure of the judge. In the absence of the judge, and unless assigned to other duties by the judge, the bailiff shall be supervised by the Chief Administrative Officer. The Chief Administrative Officer shall appoint and supervise as many additional general bailiffs as are needed.

LR 0.14 SELECTION OF MEMBERS TO THE BOARD OF TRUSTEES OF THE SUPERIOR COURT JUDGES ASSOCIATION

(a) Membership. Each judge is a member of the Superior Court Judges Association established by RCW 2.16.010.

(b) Board of Trustees. Two judges shall serve as members of the Board of Trustees of the Superior Court Judges Association as representatives of Association District No. 1. The two representatives shall serve staggered terms of three years, commencing at the close of the Annual Spring Meeting of the Association at which the member is elected.

(c) Method of Selection. In the year preceding the election of a District No. 1 Board member and after the election of the Executive Committee, a questionnaire shall be circulated soliciting candidates for the position of nominee for District No. 1 Board member. Voting and election of such nominee shall proceed as set forth in Rule 0.6. In case of a vacancy, and on the request of the Board of Trustees, the same election procedure shall be followed.

(d) Notification to Association. Upon conclusion of the balloting procedure set forth in (c) above, the Presiding Judge shall notify the President-Judge of the Association of the name of the judge elected and request that such name be transmitted to the nominating committee of the association with the recommendation that such name be submitted to the membership at the next Annual Spring Meeting of the association as the nominee for the Association District No. 1 position on the Board of Trustees.

LR 0.15 PILOT PROJECTS

Pilot projects in King County Superior Court shall operate through published procedures approved by the Presiding Judge and the Executive Committee.

[Adopted effective September 1, 2000.]

LR 0.16 INVESTIGATIONS BY THE JUDICIAL CONDUCT COMMISSION: ACCESS TO SEALED FILES AND DOCUMENTS

(a) Confidential Use: Upon request, the clerk of the court shall provide copies of or otherwise describe the contents of sealed files to a representative of the State Commission on Judicial Conduct, who is conducting a confidential investigation pursuant to Wa Const. Art. IV sec.31.

(b) Public Use: No materials in a sealed file may be made public, unless the Commission has first obtained an order pursuant to GR 15 and LR 79(d)(5). Motions to obtain such an order shall be made to the Presiding Judge.

[Adopted effective May 1, 2003]

LOCAL RULES CONFORMING TO CR RULES AS REQUIRED BY CR 83

I. INTRODUCTORY (Rules 1-2A)

LR 1. INTRODUCTION

These rules, in addition to the rules promulgated by the Supreme Court of Washington, govern the procedure in the King County Superior Court. They shall be construed to secure the just, speedy, and inexpensive determination of every action. Hearing times and places will also be available from the Clerk's Office/Department of Judicial Administration (E609 King County Courthouse, Seattle, WA 98104 or 401 Fourth Avenue North, Room 2C, King County Regional Justice Center, Kent WA 98032; or for Juvenile Court at 1211 East Alder, Room 307, Seattle, WA 98122) by telephone at (206) 296-9300 or by accessing http://www.metrokc.gov/kcsc/. Schedules for all regular calendars (family law motions, ex parte, chief civil, etc.) will be available at the information desk in the King County Courthouse and the Court Administration Office in Room 2D of the Regional Justice Center.

[Adopted effective September 1, 2001; amended effective September 1, 2004]

II. COMMENCEMENT OF ACTION: SERVICE OF PROCESS, PLEADINGS, MOTIONS AND ORDERS
(Rules 3-6)

LR 3. COMMENCEMENT OF ACTION

(No Local Rule)
[deleted effective September 1, 1993]

LR 4. CIVIL CASE SCHEDULE

(a) Case Schedule. Except as otherwise provided in these rules or ordered by the Court, when an initial pleading is filed and a new civil case file is opened, the Clerk will prepare and file a scheduling order (referred to in these rules as a "Case Schedule"). When an initial pleading is filed via paper, or the filer has not agreed to accept electronic documents from the court pursuant to GR 30.2 (c), the Clerk will provide two copies to the party filing the initial pleading. When an initial pleading is filed electronically and the filer has agreed to accept electronic documents from the court pursuant to GR 30.2 (c), the Clerk will provide an electronic copy to the party filing the initial pleading.

(b) Cases not governed by a Case Schedule. Unless otherwise ordered by the Court, the following cases will not be issued a Case Schedule on filing:

(1) Change of name;
(2) Domestic violence (RCW chapter 26.50);
(3) Harassment (RCW chapter 10.14);

(4) Uniform Reciprocal Enforcement of Support Act (URESA) and Uniform Interstate Family Support Act (UIFSA);
(5) Small Claims Appeals;
(6) Unlawful detainer;
(7) Foreign judgment;
(8) Abstract or transcript of judgment;
(9) Petition for Writ of Habeas Corpus, Mandamus, Restitution, or Review, or any other Writ;
(10) Civil commitment;
(11) Proceedings under RCW chapter 10.77;
(12) Proceedings under RCW chapter 70.96A;
(13) Proceedings for isolation and quarantine;
(14) Asbestos cases;
(15) Vulnerable adult protection.

(c) Service of Case Schedule on Other Parties.

(1) The party filing the initial pleading shall promptly provide a copy of the Case Schedule to all other parties by (a) serving a copy of the Case Schedule on the other parties along with the initial pleading, or (b) serving the Case Schedule on the other parties within 10 days after the later of the filing of the initial pleading or service of any response to the initial pleading, whether that response is a notice of appearance, an answer, or a CR 12 motion. The Case Schedule may be served by regular mail, or electronically when the party being served has agreed to accept electronic service pursuant to GR30.2 (d), with proof of service to be filed promptly in the form required by CR 5.

(2) A party who joins an additional party in an action shall serve the additional party with the current Case Schedule together with the first pleading served on the additional party.

(d) Amendment of Case Schedule. The Court, either on motion of a party or on its own initiative, may modify any date in the Case Schedule for good cause, except that the trial date may be changed only as provided in LR 40(e). If a party by motion requests an amendment of the Case Schedule, that party shall prepare and present to the Court for signature an Amended Case Schedule, which upon approval of the Court shall be promptly filed and served on all other parties. The motion shall include a proposed Amended Case Schedule. If a Case Schedule is modified on the Court's own motion, the Court will prepare and file the Amended Case Schedule and promptly issue it to all parties. Parties may not amend a Case Schedule by stipulation without approval of the assigned Judge.

(e) Form of Case Schedule.

(1) Case Schedule. A Case Schedule for each type of case, which will set the time period between filing and trial and the scheduled events and deadlines for that type of case, will be established by the Court by General Order, based upon relevant factors including statutory priorities, resources available to the Court, case filings, and the interests of justice.

(2) A Case Schedule, which will be customized for each type of case, will be in generally the following form:

Filing:.....0
Confirmation of Service (LR 4.1):.....F+4
Confirmation of Joinder (LR 4.2(a) for civil cases); or

Confirmation of Issues (LFLR 4(c) for dissolution and modification cases); or Confirmation of Completion of Genetic Testing (LR 4(d) for paternity cases): ..... F+23
Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing (LMAR 2.1) ..... F+23
Status Conference, if needed (Domestic Relations cases only-see LR 4.3): ..... F+25
Disclosure of Possible Primary Witnesses (LR 26(b)): ..... T - 22
Disclosure of Possible Additional Witnesses (LR 26(c)): ..... T - 16
Final Date to Change Trial and to File Jury Demand (non-family law civil cases) (LR 40(e)(2), 38(b)(2)): ..... T - 14
Discovery Cutoff (LR 37(g)): ..... T – 7
Deadline for Engaging in Alternative Dispute Resolution ..... T – 4
Deadline for filing "Joint Confirmation Regarding Trial Readiness" (LR 16): ..... T - 3
Exchange of Witness and Exhibit Lists and Documentary Exhibits (LR 16(a)(3)): ..... T - 3
Deadline for Hearing Dispositive Pretrial Motions (LR 56, CR 56): ..... T - 2
Joint Statement of Evidence(LR 16(a)(4)): ..... T - 1
Trial: ..... T

It is ORDERED that all parties shall comply with the foregoing schedule and that sanctions, including but not limited to those set forth in Rule 37 of the Superior Court Civil Rules, may be imposed for noncompliance. It is FURTHER ORDERED that the party filing this action must serve this Order Setting Case Schedule on all other parties.

Dated:_____ _____
Judge

I understand that a copy of this document must be given to all parties: _____
(Signature)

Note: a number in the right column preceded by an "F" refers to the number of weeks after filing; a number in the right column preceded by a "T" refers to the number of weeks before trial.

(f) Monitoring. At such times as the Presiding Judge may direct, the Clerk will monitor cases to determine compliance with these rules.

(g) Enforcement; Sanctions; Dismissal; Terms.

(1) Failure to comply with the Case Schedule may be grounds for imposition of sanctions, including dismissal, or terms.

(2) The Court, on its own initiative or on motion of a party, may order an attorney or party to show cause why sanctions or terms should not be imposed for failure to comply with the Case Schedule established by these rules.

(3) If the Court finds that an attorney or party has failed to comply with the Case Schedule and has no reasonable excuse, the Court may order the attorney or party to pay monetary sanctions to the Court, or terms to any other party who has incurred expense as a result of the failure to comply, or both; in addition, the Court may impose such other sanctions as justice requires.

(4) As used with respect to the Case Schedule, "terms" means costs, attorney fees, and other expenses incurred or to be incurred as a result of the failure to comply; the term "monetary sanctions" means a financial penalty payable to the Court; the term "other sanctions" includes but is not limited to the exclusion of evidence.

Official Comment

1. Time Standards. The Court has adopted the following time standards for the timely disposition of cases. In view of the backlog of cases and the scarcity of judicial resources, it may take some time before these standards can be met.

(a) General Civil. Ninety percent of all civil cases should be settled, tried, or otherwise concluded within 12 months of the date of case filing; 98 percent within 18 months of filing; and the remainder within 24 months of filing, except for individual cases in which the Court determines that exceptional circumstances exist and for which a continuing review should occur.

(b) Summary Civil. Proceedings using summary hearing procedures, such as those landlord-tenant and replevin actions not requiring full trials, should be concluded within 30 days of filing.

(c) Family Law. Ninety percent of all family law matters should be settled, tried, or otherwise concluded within nine months of the date of case filing, with custody cases given priority; 98 percent within 12 months and 100 percent within 15 months, except for individual cases in which the Court determines that exceptional circumstances exist and for which a continuing review should occur.

(d) Criminal and Juvenile. Criminal and juvenile cases should be heard within the times prescribed by CrR 3.3 or CrRLJ 7.8.

2. Case Schedule. The term "plaintiff" throughout these rules is intended to include a "petitioner" if that is the correct term for the party initiating the action.

If there is more than one plaintiff, it is the responsibility of each plaintiff to see that the Case Schedule is properly served upon each defendant. This does not mean that multiple copies of the Case Schedule must be served upon each defendant, only that every plaintiff will be held accountable for a failure to serve a copy of the Case Schedule upon a defendant. Multiple plaintiffs should decide among themselves who will serve the Case Schedule upon each defendant.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 1993; September 1, 1996; September 1, 2001; September 1, 2002; September 1, 2003; September 1, 2004.]

LR 4.1 CONFIRMATION OF SERVICE

(a) Scope. This rule shall apply to all cases governed by a Case Schedule pursuant to LR 4.

(b) Generally. No later than the date designated in the Case Schedule, the plaintiff or petitioner shall file a document entitled "Confirmation of Service," except that in cases governed by the Local Family Law Rules (LFLR), an Affidavit of Service may be filed instead of a "Confirmation of Service.""

(c) Form. The Confirmation of Service shall be in substantially the following form:

CONFIRMATION OF SERVICE

[ ] All the named defendants or respondents have been served or have waived

service. (Check if appropriate; otherwise, check the box below.)

[ ] One or more named defendants or respondents have not yet been served. (If this box is checked, the following information must also be provided.)

The following defendants or respondents have been served or have waived service:

_____
_____

The following defendants or respondents have not yet been served:

_____
_____

Reasons why service has not been obtained:

_____
_____

How service will be obtained:

_____
_____

Date by which service is expected to be obtained:

_____
_____

No other named defendants or respondents remain to be served.

_____ _____
Date Attorney or Party

_____
WSBA No.

(d) Service by Publication. If a defendant or respondent is being served by publication, the defendant or respondent shall be deemed "served," within the meaning of this rule only, when all arrangements have been made for publication, except for the publication itself.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 1996; September 1, 2004.]

LR 4.2 CONFIRMATION OF JOINDER OF PARTIES AND ISSUES IN CIVIL AND FAMILY LAW CASES; COMPLETION OF TESTING IN PATERNITY CASES

(a) Civil Non-Family Law Cases; Confirmation of Joinder of Parties, Claims and Defenses; Form. This rule applies to all civil cases with a Case Schedule that are not governed by LFLR 1.

(1) Additional Parties, Claims, and Defenses. No additional parties may be joined, and no additional claims or defenses may be raised, after the date designated in the Case Schedule for Confirmation of Joinder of Additional Parties, Claims, and Defenses, unless the Court orders otherwise for good cause and subject to such conditions as justice requires.

(2) Confirmation of Joinder; Form. No later than the designated deadline for joining additional parties and raising additional claims and defenses, as described in section (1) above, the plaintiff shall, after conferring with all other parties pursuant to paragraph (3) of this rule, file and serve a report entitled "Confirmation of Joinder of Parties, Claims, and Defenses," which will be in substantially the following form:

CONFIRMATION OF JOINDER OF PARTIES,
CLAIMS, AND DEFENSES

I. [ ] The parties make the following joint representations:

1. This case is not subject to mandatory arbitration.
[If it is, this report should not be filed; instead, no later than the deadline for filing this report, a statement of arbitrability should be filed, pursuant to LMAR 2.1(a).]
2. No additional parties will be joined.
3. All parties have been served or have waived service.
4. All mandatory pleadings have been filed.
5. No additional claims or defenses will be raised.
6. The parties anticipate no problems in meeting the deadlines for disclosing possible witnesses and other subsequent deadlines in the Case Schedule.
7. All parties have cooperated in completing this report.

II. [ ] The parties do not join in making the foregoing representations, as explained below (if appropriate, check both the box at left and every applicable box below). The Court may set a hearing.

[ ] This case is subject to mandatory arbitration, but not yet ready for the Statement of Arbitrability to be filed.
[ ] An additional party will be joined.
[ ] A party remains to be served.
[ ] A mandatory pleading remains to be filed.
[ ] An additional claim or defense will be raised.
[ ] One or more parties anticipate a problem in meeting the deadlines for disclosing possible witnesses or other, subsequent deadlines in the Case Schedule.
[ ] A party has refused to cooperate in drafting this report.
[ ] Other explanation:

_____
_____

_____

DATED: _____ SIGNED: _____
Plaintiff/Petitioner/Attorney (If attorney, WSBA #:_____)
Typed Name: _____
Address:_____
_____
Phone: _____
Attorney(s) For: _____

DATED: _____SIGNED: _____
Defendant/Respondent/Opposing Counsel (If attorney, WSBA #:_____)
Typed Name: _____
Address: _____
_____
Phone: _____
Attorney(s) For: _____

(3) Parties to Confer in Completing Form. The plaintiff shall confer with all other parties in completing the form. If any party fails to cooperate in completing the form, any other party may file and serve the form and note the refusal to cooperate.

(4) Show Cause Hearing. The court will review the confirmation of joinder document to determine if a hearing is required. If a Show Cause order is issued, all parties cited in the order must appear before the assigned Judge.

(5) Cases Subject to Mandatory Arbitration. If a statement of arbitrability pursuant to LMAR 2.1(a) is filed on or before the deadline for filing the Confirmation of Joinder of Parties, Claims, and Defenses, the Confirmation of Joinder need not be filed and no show cause hearing will be held. See LFLR 4(c).

(b) Family Law Dissolution and Modification Cases; Confirmation of Issues; Referral to Mediation; Form. See LFLR 4(c)

(c) Paternity Cases; Confirmation of Completion of Genetic Testing; Form. See LFLR 4(d).

[Adopted effective September 1, 1996; amended effective April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002; September 1, 2003; September 1, 2004.]

LR 4.3 STATUS CONFERENCE; NON-COMPLIANCE HEARING

(a) Withdrawn. See LFLR 4.

[Adopted effective September 1, 1996; amended effective April 14, 1997; September 1, 1997; September 1, 2002; September 1, 2004.]

LR 5. SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

(a)-(c) [Reserved].

(d) Filing. No motion for any order shall be heard unless the documents pertaining to it have been filed with the Clerk.

(k) Copies of Cases Not to be Filed. Photocopies or computer-generated copies of cases may be provided to a judge in working copies, LR 7(b)(3)(B), but shall not be filed with the clerk.

[Amended effective September 1, 1994; September 1, 1999; September 1, 2002.]

III. PLEADINGS AND MOTIONS (Rules 7-16)

LR 7. CIVIL MOTIONS

(b) Motions and Other Documents.

(1) Scope of Rules. Except when specifically provided in another rule, this rule governs all motions in civil cases. See, for example, LR 56 and the LFLR's.

(2) Argument. All nondispositive motions and motions for orders of default and default judgment shall be ruled on without oral argument, except for the following:

(A) Motions for revision of Commissioners' rulings;

(B) Motions for temporary restraining orders and preliminary injunctions;

(C) Family Law motions under LFLR 5;

(D) Motions before Ex Parte Commissioners;

(E) Motions for which the Court allows oral argument.

(3) Dates of Filing, Hearing and Consideration.

(A) Filing and Scheduling of Motion. The moving party shall serve and file all motion documents no later than six court days before the date the party wishes the motion to be considered. Oral argument, if any, may be scheduled by a party requesting oral argument by requesting it in the parties' written documents or by contacting the staff of the Judge or Commissioner who will consider the motion and obtaining the Judge's or Commissioner's consent. A motion must be scheduled by a party for hearing on a regular judicial day. For cases assigned to a Judge, if the motion is set for oral argument on a non-judicial day, the moving party must reschedule it with the Judge's staff; for motions without oral argument, the assigned Judge will consider the motion on the next regular judicial day. For cases not assigned to a Judge, motions with oral argument will be returned by the Clerk if set for a non-judicial day; motions without oral argument will be considered on the next regular judicial day.

(B) Working Copies. Working copies of the motion and all documents in support or opposition shall be delivered to the Judge who is to consider the motion no later than the day they are to be served on all other parties. The working copies of all documents in support or opposition shall be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the Judge and shall be delivered to the Judge's mailroom in the courthouse in which the Judge is located.

(C) Opposing Documents. Any party opposing a motion shall file the original responsive papers in opposition to a motion, serve copies on parties and deliver copies to the hearing Judge via the Judges' mailroom in the courthouse in which the Judge is located, no later than 12:00 noon two court days before the date the motion is to be considered.

(D) Reply. Any documents in strict reply shall be filed, copies served on parties, and delivered to the hearing Judge via the Judges' mailroom in the courthouse in which the Judge is located, no later than 12:00 noon on the court day before the hearing.

(E) Terms. Any material offered at a time later than required by this rule, and any reply material which is not in strict reply, will not be considered by the Court over objection of counsel except upon the imposition of appropriate terms, unless the Court orders otherwise.

(F) Confirmation and Cancellation. Confirmation is not necessary, but if the motion is stricken by the parties for any reason, the parties shall immediately notify the opposing parties and notify the staff of the Judge who was to hear the motion.

(4) Form of Motion and Opposition Documents.

(A) Note for Motion. A Note for Motion shall be filed with the motion. The Note shall identify the moving party, the title of the motion, the name of the Judge to whom the case is assigned, the trial date, the date for consideration or hearing, and the time of the hearing if it is a motion for which oral argument will be held. A Note for Motion form is available from the Clerk's Office.

(B) Form of Motion and of Opposition Documents. The motion shall be combined with the memorandum of authorities into a single document, and shall conform to the following format:

(i) Relief Requested. The specific relief the Court is requested to grant or deny.

(ii) Statement of Facts. A succinct statement of the facts contended to be material.

(iii) Statement of Issues. A concise statement of the issue or issues of law upon which the Court is requested to rule.

(iv) Evidence Relied Upon. The evidence on which the motion or opposition is based must be specified with particularity. The depositions and portions relied upon must be specified. Such specification of deposition testimony shall constitute a motion to publish the deposition, which motion will be deemed granted unless good cause is shown by an opposing party. Deposition testimony, discovery pleadings, and documentary evidence relied upon must be quoted verbatim or a photocopy of relevant pages of said deposition must be attached to an affidavit identifying the documents. Parties should highlight those parts upon which they place substantial reliance. Copies of cases shall not be attached to original pleadings.

(v) Authority. Any legal authority relied upon must be cited. Copies of all cited non-Washington authorities upon which parties place substantial reliance shall be provided to the Judge who is to consider the motion and to all other counsel or parties, but shall not be filed with the Clerk.

Any memorandum in opposition shall also conform to the preceding format. The initial motion and opposing memorandum shall not exceed 12 pages without authority of the Court; reply memoranda shall not exceed five pages without the authority of the

Court.

(C) Form of Proposed Orders; Mailing Envelopes. The moving party and any party opposing the motion shall attach to their documents a proposed order, clearly marked as "Proposed." The original of each proposed order shall be delivered to the Judge who is to consider the motion, along with working copies of the motion and opposition documents, but shall not be filed with the Clerk. For motions without oral argument, the moving party shall also provide the Court with pre-addressed stamped envelopes addressed to each party/counsel.

(5) Motions to Reconsider.

(A) Motion and Notice of Hearing. Motions for reconsideration of an order or judgment must be filed no later than 10 days after the date of entry of the order or judgment. The form of motion and notice of hearing shall conform to LR 7(b)(4). The motion shall set forth specific grounds for the reconsideration, and will be considered without oral argument unless called for by the Court.

Official Comment:

The 2006 amendment to LR7(b)(5)(A) is designed to make the local rule consistent with amendments to CR 59 (effective September 1, 2005). The amendment to the local rule is not designed to eliminate the service requirements of CR 5.

(B) Response and Reply. No response to a motion for reconsideration shall be filed unless requested by the Court. No motion for reconsideration will be granted without such a request. If a response is called for, a reply may be filed within two days of service of the response.

(C) Form of Proposed Order; Mailing Envelopes. The moving party and any party given leave to file a memorandum in opposition shall attach to their papers a proposed order, clearly marked as "Proposed." The original of each proposed order, together with pre-addressed stamped envelopes for each party/counsel, shall be delivered to the Judge who is to consider the motion.

(6) Reapplication. No party shall remake the same motion to a different Judge without showing by affidavit what motion was previously made, when and to which Judge, what the order or decision was, and any new facts or other circumstances that would justify seeking a different ruling from another Judge.

(7) Motions for Revision of a Commissioner's Order. For all cases except juvenile and mental illness proceedings:

(A) A motion for revision of a Commissioner's order shall be served and filed within 10 days of entry of the written order, as provided in RCW 2.24.050, along with a written notice of hearing that gives the other parties at least six days notice of the time, date and place of the hearing on the motion for revision. The motion shall identify the error claimed.

(B) A hearing on a motion for revision of a Commissioner's order shall be scheduled within 21 days of entry of the Commissioner's order, unless the assigned Judge or, for unassigned cases, the Chief Civil Judge, orders otherwise.

(i) For cases assigned to an individual Judge, the time and date for the hearing shall be scheduled in advance with the staff of the assigned Judge.

(ii) For cases not assigned to an individual Judge, the hearing shall be scheduled by the Chief Civil Department for Seattle case assignment area cases. For Kent case assignment area cases, the hearing shall be scheduled by the RJC Chief Judge.

(iii) All motions for revision of a Commissioner's order shall be

based on the written materials and evidence submitted to the Commissioner, including documents and pleadings in the court file. The moving party shall provide the assigned Court a working copy of all materials submitted to the Commissioner in support of and in opposition to the motion, as well as a copy of the electronic recording, if the motion before the Commissioner was recorded. Oral arguments on motions to revise shall be limited to 10 minutes per side.

(iv) The Commissioner's written order shall remain in effect pending the hearing on revision unless ordered otherwise by the assigned Judge, or, for unassigned cases, the Chief Civil Judge.

(v) The party seeking revision shall, at least 5 days before the hearing, deliver to the Judges' mailroom, for the assigned Judge or Chief Civil Judge, the motion, notice of hearing and copies of all documents submitted by all parties to the Commissioner.

(vi) For cases in which a timely motion for reconsideration of the Commissioner's order has been filed, the time for filing a motion for revision of the Commissioner's order shall commence on the date of the filing of the Commissioner's written order of judgment on reconsideration.

(8) Motion for Order to Show Cause. Motions for Order to Show Cause may be heard in the ex parte department. For cases where the return on the order to show cause is before the assigned trial court, the moving party shall obtain a date for such hearing from the staff of the assigned trial court before appearing in the ex parte department.

(9) Motion Shortening Time.

(A) The time for notice and hearing of a motion may be shortened only for good cause upon written application to the court in conformance with this rule.

(B) A motion for order shortening time may not be incorporated into any other pleading.

(C) As soon as the moving party is aware that he or she will be seeking an order shortening time, that party must contact the opposing party to give notice in the form most likely to result in actual notice of the pending motion to shorten time. The declaration in support of the motion must indicate what efforts have been made to notify the other side.

(D) Except for emergency situations, the court will not rule on a motion to shorten time until the close of the next business day following filing of the motion (and service of the motion on the opposing party) to permit the opposing party to file a response. If the moving party asserts that exigent circumstances make it impossible to comply with this requirement, the moving party shall contact the bailiff of the judge assigned the case for trial to arrange for a conference call, so that the opposing party may respond orally and the court can make an immediate decision.

(E) Proposed agreed orders to shorten time: if the parties agree to a briefing schedule on motion to be heard on shortened time, the order may be presented by way of a proposed stipulated order, which may be granted, denied or modified at the discretion of the court.

(F) The court may deny or grant the motion and impose such conditions as the court deems reasonable. All other rules pertaining to confirmation, notice and working papers for the hearing on the motion for which time was shortened remain in effect, except to the extent that they are specifically dispensed with by the court.

[Amended effective September 1, 1984; May 1, 1988; September 1, 1992; September 1, 1993; September 1, 1994, March 1, 1996; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002; September 1, 2004; September 1, 2006.]

LR 10. FORM OF PLEADINGS AND OTHER PAPERS

(a) File Copies to Be Originals; Document Requirements. All original documents filed shall be clear, legible and permanent, and printed or typewritten in black or dark blue ink on nontranslucent bond paper or other paper suitable for scanning and microfilming. Tissue, thermal, or onionskin paper shall not be used. All original pleadings and other documents shall be first impressions and not carbon copies. Printed, multilithed, mimeographed, photocopied, and other comparable reproductions are acceptable. Every original document filed, except ribbon copies of typewritten documents, shall bear the word "original." Every document other than the original filed with the Clerk or delivered to a Court must be labeled "copy." The Court may refuse to sign any order not complying with this rule.

(e) Format Recommendations.

(-) Format Requirements. The format recommendations set forth in CR 10(e) and GR 14 shall be required. The Clerk may, under the supervision of the Presiding Judge, reject any documents that do not conform to format requirements.

(3) Bottom Notation.

(A) Attorney's Signature Required. Every order and other paper presented to a judge for his/her signature shall be legibly signed by the individual attorney presenting it on the lower left-hand corner of the page to be signed by the judge or by the pro se litigant, if a party is representing him or herself. If the attorney or pro se litigant is willing to receive communication from the court and the parties by e-mail, the e-mail address must be included under the signature.

[Amended effective September 1, 2001; September 1, 2004]

LR 11. SIGNING OF PLEADINGS

(a) Address of Party Appearing Pro Se. A party appearing pro se shall state on his/her pleading, notice of appearance, and other documents filed by him/her, his/her mailing address and street address where service of process and other documents may be made upon him/her.

(b) Clerk's File to Indicate Pro Se Appearance. When a party appears pro se, without filing a pleading or other document, the clerk shall insert in the file a document indicating that the party has appeared without attorney.

(c) Notice of Rule Requirements. When a party appears in court without an attorney and without filing a written pleading or other document, pursuant to process served upon him/her, the clerk shall deliver to him/her a printed form containing the substance of subsection (a) of this rule, together with appropriate blanks for the name and address of the party, and shall request the party to file his/her name and address. The clerk shall make a minute entry that such

printed form has been delivered.

[Amended effective September 1, 2001; September 1, 2004]

LR 15. AMENDED AND SUPPLEMENTAL PLEADINGS

(e) Interlineations.

(1) Pleadings and Other Documents. Interlineations, corrections and deletions in pleadings and all other documents filed with the Clerk shall be initialed and dated by the party or counsel.

[Amended effective September 1, 2001; September 1, 2004]

LR 16. PRETRIAL AND SETTLEMENT PROCEDURES

(a) Pretrial Procedures- Civil Cases and Family Law Cases Not Involving Children.

(1) Pre-Trial Conference: Unless otherwise specified in this rule, the judge to whom a case is assigned will decide whether the case would benefit from a pretrial conference, order the pretrial conference, and either conduct such a conference or assign the case to a judge or other judicial officer for the conference.

(2) Mandatory Joint Confirmation of Trial Readiness. Parties shall complete a Joint Confirmation of Trial Readiness form, file it with the clerk and send copies to the assigned judge by the deadline on the case schedule. Failure to complete and file the form by the deadline may result in sanctions, including possible dismissal of this case. The Joint Confirmation of Trial Readiness Report shall include, at minimum:

(A) Type of trial and estimated trial length;

(B) Trial week attorney conflicts;

(C) Interpreter needs;

(D) To what extent alternative dispute resolution has been used in the case;

(E) Any other factors to assist the court to bring about a just, speedy, and economical resolution of the matter.

(3) Motion by Party. All requests or motions, unless otherwise provided for herein relating to family law matters, for pretrial conferences pursuant to CR 16 must be noted by the deadline on the case schedule and shall be heard by the assigned Judge or as assigned by the Presiding Judge.

(4) Exchange of Witness and Exhibit Lists. In cases governed by a Case Schedule pursuant to LR 4, the parties shall exchange, not later than 21 days before the scheduled trial date: (A) lists of the witnesses whom each party expects to call at trial; (B) lists of the exhibits that each party expects to offer at trial, except for exhibits to be used only for impeachment; and (C) copies of all documentary exhibits, except for those to be used only for illustrative purposes. In addition, non-documentary exhibits, except for those to be used only for illustrative purposes, shall be made available for inspection by all other parties no later than 14 days before trial. Any witness or exhibit not listed may not be used at trial, unless the Court

orders otherwise for good cause and subject to such conditions as justice requires.

(5) Joint Statement of Evidence. In cases governed by a Case Schedule pursuant to LR 4 the parties shall file, not later than 5 court days before the scheduled trial date, a Joint Statement of Evidence, so entitled, containing (A) a list of the witnesses whom each party expects to call at trial and (B) a list of the exhibits that each party expects to offer at trial. The Joint Statement of Evidence shall contain a notation for each exhibit as to whether all parties agree as to the exhibit's authenticity or admissibility.

(6) Non-dispositive Pretrial Motions. All non-dispositive pretrial motions and supporting materials, including but not limited to motions to exclude evidence, shall be served and filed pursuant to the requirements of LR 7(b)(3). Responsive documents shall also be served and filed pursuant to the requirements of LR 7(b)(3). In addition, courtesy copies of all motion documents shall be provided to the Judge who will be hearing the motion.

Official Comment

Attorneys and parties are expected to exercise good faith in complying with this rule – for example, by not listing a witness or exhibit that the attorney or party does not actually expect to use at trial.

A party wishing to present the testimony of a witness who has been listed by another party may not rely on the listing party to obtain the witness's attendance at trial. Instead, a subpoena should be served on the witness, unless the party is willing to risk the witness's failure to appear.

All witnesses must be listed, including those whom a party plans to call as a rebuttal witness. The only exception is for witnesses the need for whose testimony cannot reasonably be anticipated before trial; such witnesses obviously cannot be listed ahead of time.

(b) Pretrial Procedures in Family Law Cases Involving Children.

(1) Pretrial Conference. In dissolution cases involving families with children, non-parental custody cases, paternity cases not filed by the prosecutor, domestic relocation cases, cases to establish or disestablish paternity and set residential schedules, and in actions to establish or modify a parenting plan, the Court will schedule a pretrial conference, which shall be attended by the lead trial attorney of each party who is represented by an attorney and by each party who is unrepresented. The conference may include:

(A) Hearing of non dispositive pretrial motions;

(B) Filing of trial briefs;

(C) The Court's estimate of length of trial;

(D) Any other matters that might simplify the issues and bring about a just, speedy and economical resolution of the matter.

(c) Alternative Dispute Resolution (ADR) – All cases.

(1) Court Order. Unless excused by an order signed by the judge to whom a case is assigned, or a family law commissioner in the case of a family law matter, the parties in every case shall participate in a settlement conference or other alternative dispute resolution process conducted by a neutral third party no later than 30 days before trial.

(2) Preparation for Conference.

(A) Attendance and Preparation Required. The attorney in charge of each party's case shall personally attend all alternative resolution proceedings and shall come prepared to discuss in detail and in good faith the following:

(i) All liability issues.

(ii) All items of special damages or property damage.

(iii) The degree, nature and duration of any claimed disability.

(iv) General damages.

(v) Explanation of position on settlement.

(B) Family Law Cases--Requirements. See LFLR 16.

(3) Parties to Be Available.

(A) Presence in Person. The parties shall personally attend all alternative resolution processes, unless excused, in advance, by the person conducting the proceeding.

(B) Representative of Insurer. Parties whose defense is provided by a liability insurance company need not personally attend the settlement conference or other dispute resolution process, but a representative of the insurer of said parties, if such a representative is available in King County, shall attend in person with sufficient authority to bind the insurer to a settlement. If the representative is not available in King County, the representative shall be available by telephone at the parties' expense.

(4) Failure to Attend. Failure to attend the dispute resolution procedure in accordance with paragraphs (A), (B), and (C) above may result in the imposition of terms and sanctions that the trial court may deem appropriate.

(5) Judge Disqualified for Trial. A judge presiding over a settlement conference shall be disqualified from acting as the trial judge in the matter, unless all parties agree in writing that he/she should so act.

[Amended September 1, 1977; September 1, 1981; amended effective January 1, 1990, September 1, 1992; September 1, 1993; September 1, 1994; September 1, 2001; January 2, 2004; September 1, 2004]

IV. PARTIES (Rules 17-25)

LR 23. CLASS ACTIONS

(a) Form of Complaint.

(1) Designation as Class Action. In any case sought to be maintained as a class action, the words "Class Action" shall be typewritten in capital letters on the first page of the complaint immediately above the space for the cause number.

(2) Class Action Allegations. To the extent practicable, the complaint shall contain under a separate heading entitled "Class Action Allegations" a reference to the portion or portions of CR 23 under which it is claimed that the suit is properly maintainable as a class action and also appropriate factual allegations (not conclusory allegations constituting mere recitation of the provisions of CR 23) to justify such claim, including, but not limited to:

(A) The size and definition of the alleged class.

(B) The basis upon which the plaintiff claims to be an adequate representative of the class, or if the class is comprised of defendants, the basis upon which the plaintiff claims that those named as parties are adequate representatives of the class.

(C) The alleged questions of law and fact claimed to be common to the class.

(D) In actions under CR 23(b)(3) allegations to support the findings

required by that subdivision.

(b) Assignment for Hearing. Within 90 days after all parties have either filed an answer or have been ordered in default, unless this period is extended on motion for good cause, the plaintiff shall file a motion under CR 23(c)(1) to determine whether or not the case may be maintained as a class action. Such written motion must be served on all other parties.

(c) Informal Conference. A party may request a conference between the Court and counsel for every party to the action to discuss any issue which they feel should be resolved prior to or in connection with the class determination, including but not limited to the order and scope of discovery, scheduling of hearings and class issues involved, and the extent to which the procedures provided for in these local rules should be modified or dispensed with.

(d) Court Order. The Court may allow the action to be maintained as a class action, may disallow and strike the class action allegations, or may order postponement of the determination pending discovery or such other preliminary procedures as appear to be appropriate and necessary in the circumstances. Whenever possible, where it is held that the determinations should be postponed, a date will be fixed by the Court for the renewal of the motion. The Court, at the request of any party or sua sponte, and after appropriate findings of likely or actual abuse, may enter orders directing the substance or manner of communication with the potential and actual class members.

(e) Settlement Hearings and Judgments.

(1) Scheduling of Hearing. A motion for a settlement hearing must be made when any party seeks court approval of a proposal to compromise and settle a class action. The motion must be accompanied by all documents upon which the party will rely at the hearing, including copies of the settlement agreement, proposed notice to the class of the settlement hearing, and the proposed judgment. After considering the motion, the Court will enter an order granting or denying a settlement hearing. If it grants a settlement hearing, the order will include the time and place of hearing, the notice thereof to be given to the class members, and other matters which it deems necessary for the proper conduct of the hearing.

(2) Attorney's Fees. All agreements for the payment of fees to the attorney for the class representative should be included in the settlement. Regardless of whether the parties agree upon the amount of a fee, the Court will award only that amount which it determines to be reasonable.

(3) Judgment and Retention of Jurisdiction. If the settlement is approved, the Court will enter a judgment pursuant thereto. If the judgment requires future acts to be performed by the parties beyond mere payment of a money judgment, the judgment should include a provision for retention of jurisdiction while satisfaction of the judgment is being effected. All proposed judgments which are submitted to the Court should include detailed provisions for retention of jurisdiction where appropriate.

(Amended effective September 1, 1994; September 1, 1996.)

V. DEPOSITIONS AND DISCOVERY (Rules 26-37)

LR 26. Disclosure of Possible Lay and Expert Witnesses and Scope of Protective Order.

(a) Scope. This rule shall apply to all cases governed by a Case Schedule pursuant to LR 4.

(b) Disclosure of Primary Witnesses. Required Disclosures

(1) Disclosure of Primary Witnesses: Each party shall, no later than the date for disclosure designated in the Case Schedule, disclose all persons with relevant factual or expert knowledge whom the party reserves the option to call as witnesses at trial.

(2) Disclosure of Additional Witnesses: Each party shall, no later than the date for disclosure designated in the Case Schedule, disclose all persons whose knowledge did not appear relevant until the primary witnesses were disclosed and whom the party reserves the option to call as witnesses at trial.

(3) Scope of Disclosure: Disclosure of witnesses under this rule shall include the following information:

(A) All Witnesses. Name, address, and phone number.

(B) Lay Witnesses. A brief description of the witness's relevant knowledge.

(C) Experts. A summary of the expert's opinions and the basis therefore and a brief description of the expert's qualifications.

(4) Exclusion of Testimony. Any person not disclosed in compliance with this rule may not be called to testify at trial, unless the Court orders otherwise for good cause and subject to such conditions as justice requires.

(c) Motions to Seal. A motion to seal must be made separately and cannot be submitted as part of a protective order. When the court has entered an order permitting a document to be filed under seal, the filing party must comply with the requirements of LR 79(d)(6).

(d) Discovery Limits.

(1) Interrogatories.

(A) Cases With Court-Approved Pattern Interrogatories. In cases where a party has propounded pattern interrogatories pursuant to KCLR 33, a party may serve no more than 15 interrogatories, including all discrete subparts, in addition to the pattern interrogatories.

(B) Cases Without Court-Approved Pattern Interrogatories. In cases where a party has not propounded pattern interrogatories pursuant to KCLR 33, a party may serve no more than 40 interrogatories, including all discrete subparts.

(2) Depositions. A party may take no more than 10 depositions, with each deposition limited to one day of seven hours; provided, that each party may conduct one deposition that shall be limited to two days and seven hours per day.

(3) Requests for Admission. A party may serve no more than 25 requests for admission upon any other party in addition to requests for admission propounded to authenticate documents.

(4) Modification.

(A) Stipulation of the parties: These limitations may be increased or decreased by written stipulation of the parties based on the scope of the legal and factual issues presented. Nothing in this rule precludes the parties from engaging in the informal exchange of information in lieu of formal discovery. The parties may establish a written timetable for discovery and develop a discovery plan that will facilitate the economical and efficient resolution of the case. Such plan need not be submitted to the court for approval.

(B) Court order: If the parties do not agree that discovery in excess of that provided by these rules is necessary, a party may file a motion to submit additional discovery pursuant to LR 7(b). The proposed order shall include details of what additional discovery is required. A certificate of compliance as required by KCLR 37(f) shall be filed with the motion.

(5) Discovery requests in violation of rule

(A) Unless authorized by order of court or written stipulation, a party may not serve requests for admission or interrogatories or note depositions except as authorized by this rule.

(B) Absent a court order or stipulation altering the scope of discovery, the party served with interrogatories or requests for admission in violation of this rule shall be required to respond only to those requests, in numerical order, that comply with LR 26(d). No motion for protective order is required. The party shall indicate in the answer section of the Interrogatories or Requests for Admission that the party is refusing to respond to the remaining questions because they exceed the discovery limits.

(C) Absent a court order or stipulation altering the scope of discovery, a party served with a notice of deposition in violation of this rule shall inform all parties to the case that he or she will not be attending the deposition. This notification shall occur as soon as possible and, absent extraordinary circumstances, shall not be later than 24 hours before the scheduled deposition. Notice shall be in writing and shall be provided in the manner that is most likely to provide actual notice of the objection. Fax or e-mail notification is permitted, provided (1) the parties have previously agreed to receive pleadings in this manner or (2) the objecting party also provides telephonic notification.

(6) These discovery limitations do not apply to family law proceedings as defined by LFLR 1, supplemental proceedings undertaken pursuant to LR 69(b) or other post-judgment proceedings.

(e) Discovery Not Limited. This rule does not modify a party's responsibility to seasonably supplement responses to discovery requests or otherwise to comply with discovery before the deadlines set by this rule.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 2001; September 1, 2003; September 1, 2005.]

Official Comment

This rule does not require a party to disclose which persons the party intends to call as witnesses at trial, only those whom the party might call as witnesses. Cf. LR 16(a)(3)(A) (requiring the parties, not later than 21 days before trial, to exchange lists of witnesses whom each party "expects to call" at trial) and Official Comment to LR 16.

This rule sets a minimum level of disclosure that will be required in all cases, even if one or more parties have not formally requested such disclosure in written discovery. The rule is not intended to serve as a substitute for the discovery procedures that are available under the civil rules to preclude or inhibit the use of those procedures. Indeed, in section (f) the rule specifically provides to the contrary.

LR 33. INTERROGATORIES

(a) Pattern Interrogatories for Specific Areas of Practice: **(Reserved)**

Comment: The King County Superior Court will adopt a process for approving Pattern Interrogatories for use in discrete practice areas. The process and the pattern interrogatories will be available from the KSCS website: http://www.metrokc.gov/kcsc/, as well as through the office of the King County Clerk.

(b) Appropriate Use of Pattern Interrogatories. It is not required nor recommended that all interrogatories contained in a pattern set be used in every case. It shall be the obligation of counsel or a party to determine which interrogatories are appropriate to the facts of the case.

(c) Format. All Pattern Interrogatories should be contained in a separate document. Although minor variations may be made to these interrogatories to fit the circumstances of a particular case, identifying the document as Pattern Interrogatories is a warranty by the attorney or party signing the interrogatories that such interrogatories are identical in substance to the Pattern Interrogatories approved by the court.

[Adopted effective September 1, 2005.]

LR 37. FAILURE TO MAKE DISCOVERY; SANCTIONS

(a)-(c) [Reserved].

(d) Failure of Party to Attend at Own Deposition or Serve Answers to Interrogatories or Respond to Request for Production or Inspection. If a party or an officer, director, or managing agent of a party or a person designated under rule 30(b)(6) or 31(a) to testify on behalf of a party fails (1) to appear before the officer who is to take his or her deposition, after being served with a proper notice, or (2) to serve answers or objections to interrogatories submitted under rule 33, after proper service of the interrogatories, or (3) to serve a written response to a request for production of documents or inspection submitted under rule 34, after proper service of the request, the court in which the action is pending on motion may make such orders in regard to the failure as are just, and among others, it may take any action authorized under CR 37. In lieu of any order or in addition thereto, the court shall require the party failing to act or the attorney advising the party or both to pay the reasonable expenses, including attorney fees, caused by the failure, unless the court finds that the failure was substantially justified or that other circumstances make an award of expenses unjust.

The failure to act described in this subsection may not be excused on the ground that the discovery sought is objectionable unless the party failing to act has applied for a protective order as provided by rule 26(c). For purposes of this section, an evasive or misleading answer is to be treated as a failure to answer.

(e) Conference of Counsel. The court will not entertain any motion or objection with respect to Civil Rules 26 through 37, unless it affirmatively appears that counsel have met and conferred with respect thereto. Counsel for the moving or objecting party shall arrange such a conference. If the court finds that counsel for any party, upon whom a motion or objection in respect to matters covered by such rules is served, willfully refuses to meet and confer, or having met, willfully refuses or fails to confer in good faith, the court may take appropriate action to encourage future good faith compliance.

(f) Certificate of Compliance. At the time of noting motion or objection for consideration, counsel for the moving or objecting party shall serve and file a certificate of

compliance with this rule and enumerate therein the matters remaining for disposition by the Court.

(g) Completion of Discovery. Unless otherwise ordered by the Court for good cause and subject to such terms and conditions as are just, all discovery allowed under CR 26-37, including responses and supplementations thereto, must be completed no later than 49 calendar days before the assigned trial date (35 days in cases governed by LFLR 4.2(c), 28 days in cases governed by LFLR 4(d)). Discovery requests must be served early enough that responses will be due and depositions will have been taken by the cutoff date. Discovery requests that do not comply with this rule will not be enforced, absent a written agreement of all parties, and the parties shall not enter into such an agreement if it is likely to affect the trial date. Nothing in this rule shall modify a party's responsibility to seasonably supplement responses to discovery requests or otherwise to comply with discovery prior to the cutoff.

[Adopted effective January 1, 1983; amended effective September 1, 1986; January 1, 1990; September 1, 1992; September 1, 1999; September 1, 2001.]

Official Comment

Paragraph (d) of this rule requires a party who disagrees with the scope of production, or who wishes not to respond to seek a protective order consistent with CR 37(d); a party may not withhold discoverable materials. Physicians Insurance Exchange v. Fisons Corp., 122 Wn.2d 299 (1993) at 353 and 354; Johnson v. Mermis, 91 Wash. App. 127, at 133 (1998); Pamelin Industries v. Sheen-USA, Inc., 95 Wn.2d 398 (1981). If a responding party does not fully respond and/or interposes objections, and if the responding party does not seek a protective order or obtain the agreement of the party seeking the discovery to narrow the requested discovery, upon motion, the Court will ordinarily impose sanctions for such failure. If the requested relief is sanctions, a motion to compel is not a prerequisite. See Fisons, supra, at 345.

[Rule 37(g)] If the parties agree in writing to permit discovery after the discovery cutoff, and it later becomes necessary to continue the trial date as a result of such discovery, the Court will ordinarily impose sanctions on one or more of the attorneys or parties. The parties can avoid this risk by moving in advance to extend the discovery cutoff, provided they can show good cause for the extension. See LR 4(d).

If an attorney's or party's lateness in responding to discovery requests makes it necessary for another party to request an extension of the discovery deadlines, the Court should ordinarily impose sanctions on the attorney or party whose responses were late. If the attorney or party requesting extension of the discovery deadlines delayed unreasonably in taking action to enforce its discovery requests, subject to the limitations imposed by paragraph (e) of this rule (pertaining to conference of counsel), the Court may also impose sanctions upon the attorney or party requesting extension of the discovery deadline.

VI. TRIALS (Rules 38-52)

LR 38. JURY TRIAL OF RIGHT

(b) Demand for Jury

(1) Separate Document. The demand for jury trial shall be contained in a separate document.

(2) Deadline for Filing Demand. In cases governed by a Case Schedule pursuant to LR 4 (excluding domestic and paternity cases), a jury demand shall be filed and served no later than the final date to change trial designated in the Case Schedule, which shall be deemed the date on which the case is called to be set for trial within the meaning of CR 38(b).

[Amended effective January 1, 1990; September 1, 1992; September 1, 2001.]

LR 40. ASSIGNMENT OF CASES AND WHERE MOTIONS ARE TO BE HEARD

(a) Location of Times and Calendars. See LR 1.

(b) Notice of Trial--Note of Issue.

(1) The Clerk at filing will issue for all civil cases, except those noted in LR 4(b) or 40(b)(2), a trial date and a case schedule, and will assign the case to a judge. Except as provided in LR 40(b)(2), all motions, trials and other proceedings in a case shall be brought before the assigned judge.

(2) Cases not assigned a case schedule or judge on filing or where initial hearing is not held before the assigned judge:

(A) Antiharassment Petitions. Applications for temporary orders shall be presented in the Ex Parte Department. Hearings on final orders for Seattle and Kent case assignment area cases shall be set in the temporary order.

(B) Certificate of Rehabilitation. These shall be noted with oral argument before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Regional Justice Center Judge.

(C) Family Law Proceedings. See LFLR 5.

(D) Frivolous Liens. If the motion to discharge a purportedly frivolous lien is a new action and not part of an underlying proceeding, the motion shall be set before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Regional Justice Center Judge. If the motion is part of an underlying proceeding, the matter should be noted before the assigned judge.

(E) Guardianships, Probates and Other Settlements of Claim involving Incapacitated Adults or Minors. All proceedings brought under Title 11 which include but are not limited to Guardianships, Probates, and trust matters, as well as motions to approve settlement of a claim on behalf of a minor or incapacitated adult pursuant to SPR 98.16, shall be set on the Guardianship/Probate calendar in the Ex Parte Department. If the matter is contested, it may be referred by the commissioner to the clerk who will issue a trial date and will assign the case to a judge.

(F) Marriage Age Waiver Petitions. These petitions shall be presented in the Ex Parte Department.

(G) Mental Illness Proceedings. The hearings in mental illness proceedings shall be heard on the mental illness calendar.

(H) Non Compliance Hearings. Hearings on the return of orders to show cause for failure to comply with the case schedule will be held in the designated courtroom at the Seattle Courthouse, for Seattle case assignment area cases and in the designated courtroom at the Regional Justice Center for Kent case assignment area cases, before the special master, commissioner or judge hearing that calendar.

(I) Orders for Protection. Petitions for temporary orders shall be presented in the Ex Parte Department. Final hearings will be set on the domestic violence calendar in the Family Law Department.

(J) Receivership Proceedings. If the petition is a new action and not part of an underlying proceeding, the initial hearings shall be set in the Ex Parte Department;

contested proceedings may be referred by the commissioner to the clerk who will issue a trial date and a case schedule and will assign the case to a judge.

(K) Small Claims Appeals. The clerk at filing will issue a Notice of Decision Date and Assignment of Judge for review of the record without oral argument. The decision shall be issued to the parties.

(L) Status Conference (LFLR 4(e)). The status conference calendar for all family law cases that require a status conference will be held in the designated courtroom at the Seattle Courthouse for Seattle case assignment area cases and in the designated courtroom at the Regional Justice Center for Kent case assignment area cases before the special master, commissioner or judge hearing that calendar.

(M) Supplemental Proceedings. Hearings on supplemental proceedings shall be set before the Seattle Chief Civil Judge for Seattle case assignment area cases. Kent case assignment area cases shall be set before the Chief Regional Justice Center Judge. The supplemental proceedings fee must be received before hearings will be set by the clerk.

(N) Support Modifications (Trials by Affidavit). See LFLR 14.

(O) Unlawful Detainer Actions. The initial hearings shall be set in the Ex Parte Department; contested proceedings may be referred by the commissioner to the clerk who will issue a trial date and a case schedule and will assign the case to a judge.

(P) Vulnerable Adult Petitions. Requests for both ex parte temporary orders and final hearings shall be heard in the Ex Parte Department.

(Q) Work Permits/Variances for Minors. Applications for work permits for minors, sought pursuant to RCW 26.28.060, shall be presented to the Seattle Chief Civil Department for cases with a Seattle designation and to the Chief Regional Justice Center Judge in Kent for cases with a Kent assignment.

(R) Writs.

(i) Applications for Writs of Habeas Corpus relating to custody of minor children shall be presented to and returnable to the senior Judge of the Unified Family Court department at the Regional Justice Center.

(ii) Extraordinary writs (writs of review, coram nobis mandamus, prohibition and certiorari): See LR 98.40.

(iii) For other writs (pre-judgment garnishment, attachment, replevin, restitution, assistance) the initial application shall be presented to the Ex Parte Department or the assigned judge.

(3) If a case has not been assigned a trial date, or if the assigned trial date has passed and the case has not been dismissed, any party may apply by motion to the assigned judge, or if no assigned judge, to the Seattle Chief Civil Department for cases with a Seattle designation and to the Chief Regional Justice Center Judge in Kent for cases with a Kent assignment, for assignment of a trial date and a case schedule. The motion, which shall be decided without oral argument, shall briefly describe the case, including whether a jury demand has been filed, the expected length of the trial, and any other information relevant to the setting of a trial date.

(4) Motions to consolidate cases for trial or other purposes, or to reassign a case to a different judge for reasons of the efficient administration of justice, shall be made in writing to the Chief Civil Judge. Cases without a case schedule or an assigned judge may be

consolidated into another case by any judicial officer on the Court's own motion.

(5) A Notice of Trial, as provided in CR 40(a), shall not be filed in any civil case.

(d) Trials.

(1) Court File. At all hearings and trials, the Clerk's files are for the use of the Court. For all court documents retained solely on microfilm in a court file which are relevant to the issues in a motion or trial, a designation of those documents shall be filed by the party requesting such with the Clerk, and a copy served upon the opposing party and assigned Judge not less than five court days before the trial date.

(2) Trial Briefs, Proposed Findings of Fact and Conclusions of Law, and Jury Instructions. Except as otherwise ordered by the Court, parties shall serve copies of the trial brief or memorandum of authorities, proposed findings of fact and conclusions of law in non-jury cases, and proposed jury instructions for jury cases, upon opposing parties, with a copy to the assigned Judge, no later than five calendar days before the scheduled trial date.

(3) Attorney's Fees; Evidence to Be Presented. Evidence as to the reasonable value of attorney's services shall be presented following the presentation of all evidence on both sides respecting the matters at issue, and following a determination by the Court that a party is entitled to an award of attorney's fees.

(e) Change of Trial Date.

(1) Limited Adjustment of Trial Date to Resolve Schedule Conflict. In cases that are governed by a Case Schedule, the trial date may be adjusted, prior to the Final Date to Change Trial, by motion, to a Monday no more than 28 days before or 28 days after the trial date listed in the Case Schedule.

(2) Change of Trial Date. A motion to strike a trial date, or change a trial date more than 28 days before or after the original date, shall be made in writing to the assigned Judge, or if there is no assigned Judge, to the Chief Civil Department, and shall be decided without oral argument. A motion to postpone a trial must be signed by the party making the motion unless it is shown why it is impractical for the party to sign, as well as by the party's attorney, if any. If a motion to change the trial date is made after the Final Date to Change Trial Date, as established by the Case Schedule, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice. A motion to strike or change a trial date may be granted subject to such conditions as justice requires.

(3) Amended Case Schedule. When a trial date is changed, the judge changing the trial date may amend the case schedule or may direct that the parties confer and propose a new schedule. Unless some other deadline for submitting the proposed case schedule is set by the court, the parties must submit a proposed case schedule for signature by the assigned judge no later than twenty days after the order changing the trial date is signed.

(4) Change of Trial Date on Court's Motion. The Court on its own initiative may, if necessary, change the trial date.

(f) Change of Judge. For motions to consolidate or reassign a case in the interest of judicial economy, see LR 40(b)(4). For affidavits of prejudice see RCW 4.12.050.

(g) Affidavits--Court Commissioners. Affidavits of prejudice or for change of Court Commissioner will not be recognized. The remedy of a party is for a motion for revision under RCW 2.24.050.

[Amended September 1, 1977; September 1, 1978; September 1, 1980; amended effective January 1, 1983; September 1, 1984; December 1, 1988; January 1, 1990; September 1, 1992; September 1, 1993; September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2002; September 1, 2004; September 1, 2005; September 1, 2006.]

LR 41. DISMISSAL OF ACTIONS

(b) Involuntary Dismissal.

(2) Dismissal on Clerk's Motion.

(A) Failure to Appear for Trial. If the court has not been previously notified that the trial is no longer necessary, an order of dismissal will be entered on the date the trial is to be commenced. If the court has been notified and the case has not been disposed of within 45 days after the scheduled trial date, the case will be dismissed without prejudice on the clerk's motion without prior notice to the parties, unless the parties have filed a certificate of settlement as provided in LR 41(e)(3). The clerk will mail all parties or their attorneys of record a copy of the order of dismissal.

(B) Failure to File Final Order on Settlement. If an order disposing of all claims against all parties is not entered within 45 days after a written notice of settlement is filed, and if a certificate of settlement without dismissal is not filed as provided in section (e)(3) below, the clerk shall notify the parties that the case will be dismissed by the court. If a party makes a written application to the court within 14 days of the issuance of the notice showing good cause why the case should not be dismissed, the court may order that the case may be continued for an additional 45 days or for such period of time as the court may designate. If an order dismissing all claims against all parties is not entered during that additional period of time, the clerk shall enter an order of dismissal.

(C) Failure to Follow Schedule. The Court may enter an order of dismissal without prejudice and without further notice for failure to attend a status conference required by these rules as designated on the Case Schedule or to appear in response to the order to show cause issued for failure to appear for the status conference. In family law cases where the parties have agreed upon a final disposition, the dismissal may be set aside by an Ex Parte Commissioner.

(D) Failure to File Judgment or Appeal Following an Arbitration Award. At least 45 days after an arbitration award, the Court may, upon notice to parties, enter an order of dismissal without prejudice for failure to file a judgment or appeal following an arbitration award.

(E) Lack of Action of Record. The Court may enter an order of dismissal without prejudice for failure to take action of record during the 12 months just past. The Clerk shall issue notice to the attorneys of record that such case will be dismissed by the Court unless within 45 days following such issuance a status report is filed with the Court indicating the reason for inactivity and projecting future actions and a case completion date. If such status report is not received or if the status is disapproved by the court, the case shall be dismissed

without prejudice.

(c) Dismissal of Counterclaim, Cross-Claim, or Third Party Claim. No local rule.

(d) Costs of Previously Dismissed Action. No local rule.

(e) Notice of Settlements.

(1) Advising the Court of Settlement. After any settlement that fully resolves all claims against all parties, the parties shall, within five days or before the next scheduled court hearing, whichever is sooner, file and serve a written notice of settlement. If the case is assigned to an individual Judge and such written notice cannot be filed with the Clerk before the trial date, the assigned Judge shall be notified of the settlement by telephone, or orally in open court, to be confirmed by filing and serving the written notice or certificate of settlement within five days.

(2) Notice of Settlement with Prompt Dismissal. If the action is to be dismissed within 45 days, the notice of settlement shall be in substantially the following form:

NOTICE OF SETTLEMENT OF ALL CLAIMS AGAINST ALL PARTIES

Notice is hereby given that all claims against all parties in this action have been resolved. Any trials or other hearings in this matter may be stricken from the Court calendar. This notice is being filed with the consent of all parties.

If an order dismissing all claims against all parties is not entered within 45 days after the written notice of settlement is filed, or within 45 days after the scheduled trial date, whichever is earlier, and if a certificate of settlement without dismissal is not filed as provided in LR 41(e)(3), the case may be dismissed on the Clerk's motion pursuant to LR 41(b)(2)(B).

_____ _____

Date Attorney for Defendant

_____

WSBA No.

_____ _____

Date Attorney for Plaintiff

_____

WSBA No.

(Signatures by attorneys on behalf of all parties.)

(3) Settlement With Delayed Dismissal. If the parties have reached a settlement fully resolving all claims against all parties, but wish to delay dismissal beyond the period set forth in section (e)(2) above, the parties may file a certificate of settlement without dismissal in substantially the following form (or as amended by the Court):

CERTIFICATE OF SETTLEMENT
WITHOUT DISMISSAL

I. BASIS

1.1 Within 30 days of filing of the Notice of Settlement of All Claims required by King County Local Rule 41(e), the parties to the action may file a Certificate of Settlement Without Dismissal with the Clerk of the Superior Court.

II. CERTIFICATE

2.1 The undersigned counsel for all parties certify that all claims have been resolved by the parties. The resolution has been reduced to writing and signed by every party and every attorney. Solely for the purpose of enforcing the settlement agreement, the Court is asked not to dismiss this action.

2.2 The original of the settlement agreement is in the custody of:_____
at:_____.

2.3 No further Court action shall be permitted except for enforcement of the settlement agreement. The parties contemplate that the final dismissal of this action will be appropriate as of:_____.
Date:_____

III. SIGNATURES

_____ _____
Attorney for Plaintiff(s)/Petitioner Attorney for Defendant(s)/Respondent
WSBA No._____ WSBA No._____

_____ _____
Attorney of Plaintiff(s)/Petitioner Attorney for Defendant(s)/Respondent
WSBA No._____ WSBA No._____

IV. NOTICE

The filing of this Certificate of Settlement Without Dismissal with the Clerk automatically cancels any pending due dates of the Case Schedule for this action, including the scheduled trial date.

On or after the date indicated by the parties as appropriate for final dismissal, the Clerk will notify the parties that the case will be dismissed by the Court for want of prosecution unless within 14 days after the issuance a party makes a written application to the Court, showing good cause why the case should not be dismissed.

[Adopted effective September 1, 1993; amended effective September 1, 1994; September 1, 1996; September 1, 2001; September 1, 2002; September 1, 2004; September 1, 2006.]

Official Comment

1. Notice of Settlement. Subsections (b)(2) and (e)(1) are intended to prevent a case from entering a state of suspended animation after the parties reach a settlement. The rule creates a mechanism for a settled case to be formally closed by judgment or dismissal. A case will not be removed from the trial calendar on the basis of a settlement unless the settlement resolves all claims against all parties.

LR 43. TAKING OF TESTIMONY

(a) Failure to Appear on Scheduled Trial Date

(1) The failure of a party seeking affirmative relief or asserting an affirmative defense to appear for trial on the scheduled trial date will result in dismissal of the claims or affirmative defenses without further notice.

(2) If the party against whom claims are asserted fails to appear, the party seeking relief must proceed with the trial on the record. The party shall file notices of presentation with their proposed final documents within thirty days of the trial decision.

[Adopted effective September 1, 1996; September 1, 2004.]

LR 53.1 REFEREES

(a) Orders of Reference. Before the Court can order a matter referred to a referee under RCW 4.48, a complaint or petition shall be filed with the Clerk. If an order of reference by consent is sought under RCW 4.48.010, the motion requesting the reference, including a summary showing the referee is qualified under RCW 4.48.040, and the written consent shall be filed with the Clerk, and the action shall be exempt from Local Rule 4. If assignment without consent is sought by a party under RCW 4.48.020 a motion requesting that a case be referred to a referee shall be brought for hearing before the department to which the case has been assigned, or, if not assigned to a particular department, to the Chief Civil Judge in Seattle for cases with an SEA designation or to the Chief Regional Justice Center Judge in Kent for cases with a KNT designation.

(b) Public Proceedings. All proceedings before a referee pursuant to RCW 4.48 shall be open to the public unless, upon a showing of a compelling reason calling for confidentiality, the Court assigning the case to the referee orders otherwise.

(c) Posting of Notice of Trial. At least five days before the date the case is scheduled for trial before a referee, counsel shall provide the Clerk with two copies of a notice, suitable for posting, that sets forth the caption, cause number, name of referee, and the date and place of trial. If the Court has ordered that the proceedings shall be closed to the public, the notice shall so state. One copy of the notice shall be posted by the Clerk; the other copy shall be filed in the court file.

(d) Termination of Case. If a case referred to a referee is terminated without the filing of a final judgment, the parties shall have an order of dismissal entered or file with the Clerk a notice or certificate of settlement as provided in LR 41(e).

[Adopted effective September 1, 1993; amended effective September 1, 2003]

VII. JUDGMENT (Rules 54-63)

LR 54. JUDGMENTS AND COSTS

(f) Presentation.

(3) Presentation by Mail. Counsel may present agreed orders and ex parte orders based upon the record in the file, by use of the United States mail addressed either to the Court or to the Clerk. When signed, the Judge/Commissioner will file such order with the Clerk. When rejected, the Judge/Commissioner may return the papers by United States mail to the counsel sending them, without prejudice to presentation by counsel in person. An addressed stamped envelope shall be provided for return of any conformed materials and/or rejected orders.

(4) Presentation by Legal Assistant. Legal assistants who are duly registered with the King County Bar Association or any local bar association of this state may personally present agreed, ex parte and uncontested orders based solely upon the documents presented and the record in the file.

(g) Interlineations.

(1) Orders and Judgments. All interlineations, corrections, and deletions in orders and judgments signed by the Court and in any document incorporated by reference in an order or judgment must be initialed and dated by the Judge and by counsel for any party affected.

[Amended effective September 1, 1984; amended effective September 1, 1993]

LR 55. DEFAULT AND JUDGMENT

(a) Entry of Default.

(1) Order of Default. When there has been no appearance or answer, a party may seek entry of an Order of Default without notice in the Ex Parte Department. When there has been an appearance or answer, the motion for default shall be noted without oral argument before the assigned Judge, or if none, in the Courtroom of the Chief Civil Department for Seattle case assignment area cases and the Chief RJC Judge for Kent case assignment area cases.

(2) Late Appearance or Answer. When a party has appeared or answered at any time prior to consideration of the Motion for Order of Default, the moving party shall notify the Judge or Commissioner before whom the motion is pending or presented, of this fact.

(b) Entry of Default Judgment. Upon entry of an Order of Default, a party may move for entry of judgment against the party in default, without further notice, in the Ex Parte Department or before the assigned Judge. If testimony is required, the movant shall schedule the matter at any time in the Ex Parte Department, or at the time designated by the assigned Judge's department.

(c) Setting Aside Default. Orders to show cause to vacate orders of default judgments shall be presented to the assigned Judge, if any, and in the Ex Parte Department in all other cases. See LR 60(e)(1).

(d) Failure to Appear at Trial. The failure of a party to appear at trial is not governed by this rule. (See LR 43.)

(e) Family Law Cases. See LFLR 5.

[Adopted effective September 1, 1996; amended effective September 1, 2003; September 1, 2004.]

LR 56. SUMMARY JUDGMENT

(c) Motions and Proceedings

(1) Scope of Rule. This rule governs all motions for summary judgment.

(2) Argument. All summary judgment motions shall be decided after oral argument, unless waived by the parties. The length of oral argument shall be determined by the assigned judge.

(3) Dates of Filing and Hearing. All documents shall be served and filed and all hearings shall be set in conformance with the requirements of LR 7. The deadlines for moving, opposition, and rebuttal documents shall be as set forth in CR 56 and the Order Setting Case Schedule.

(4) Form of Motion and Opposition Documents. All moving, opposition and rebuttal documents shall conform to the requirements of LR 7(b)(4), except that moving and opposition memoranda may exceed 12 and shall not exceed 24 pages and rebuttal memoranda shall not exceed five pages without authority of the court.

(5) Motions to Reconsider. All motions to reconsider shall conform to the requirements of CR 59 and LR 7(b)(5).

(6) Reapplication. Reapplications shall conform to the requirements of LR 7(b)(6).

[Note: Judgment upon multiple claims or involving multiple parties, see CR 54(b).]

[Amended effective September 1, 1983; September 1, 1984; May 1, 1988; January 1, 1990; September 1, 1992; September 1, 1993; September 1, 1994; September 1, 1996; September 1, 2001; September 1, 2004; September 1, 2005.]

LR 58. ENTRY OF JUDGMENT

(a) When.

(1) Judgments and Orders to Be Filed Forthwith. Any order, judgment or decree which has been signed by the Court shall not be taken from the Courthouse, but must be filed forthwith by the attorney obtaining it with the Clerk's office or with the Clerk in the courtroom.

(b) Effective Time.

(1) Effective on Filing in Clerk's Office. Judgments, orders and decrees shall be

effective from the time of filing in the Clerk's central office.

(2) Not to Be Entered Until Signed. The Clerk will enter no judgment or decree until the same has been signed by the Judge.

(3) Judgments on Notes. The Court will sign no judgment upon a promissory note until the original note has been filed.

LR 60. RELIEF FROM JUDGMENT OR ORDER

(e) Procedure on Vacation of Judgment.

(1) Default Judgment: The return on the order to show cause to set aside a default judgment shall be as follows:

(A) Case originally assigned to a judge who has not been assigned (transferred) to a new case designation area or to juvenile court: The order to show cause shall be returned to the judge to whom the case had been originally assigned, regardless of which judicial officer signed the judgment of default.

(B) Case originally assigned to a judge who has left the court or who has transferred to a court facility other than that reflected in the case designation: The order to show cause shall be returned to the Chief Civil Judge in Seattle or the Regional Justice Center Chief Judge, according to the designation of the case.

(C) Case not assigned to a judge: The order to show cause shall be returned to the department that entered the default judgment

(2) Judgment following trial: The return on the order to show cause to set aside a judgment following trial shall be before the judge who presided over the trial. If that judge has left the court, the return on the order to show cause shall be before the Chief Civil Judge in Seattle or the Regional Justice Center Chief Judge, depending upon the designation of the case.

(3) Where the relief sought includes the right to a trial, a motion to re-set trial date shall be filed contemporaneously with the motion for relief from judgment.

[Adopted effective September 1, 2004]

VIII. PROVISIONAL AND FINAL REMEDIES (Rules 64-71)

LR 65. INJUNCTIONS

(b) Temporary Restraining Order

(1) Where heard: Except for family law cases, a party seeking a temporary restraining order may bring the motion for temporary restraining order in the ex parte department. For family law cases, see the LFLR's (Local Family Law Rules).

(2) Calendaring requirement: Prior to appearing in the ex parte department on a motion for a temporary restraining order, the moving party shall obtain a date for hearing on the motion for preliminary injunction from the trial department to which the case is assigned. The hearing shall be set in conformance with the timing requirements of CR 65(b).

LR 66. RECEIVERSHIP PROCEEDINGS

(a) Generally.

(1) Petition and Notice. A petition for appointment of a receiver may be filed in an underlying proceeding, as provided in RCW 7.60 or as a new action as otherwise provided by statute. Reasonable notice of the time and place of the hearing to determine the appointment of a receiver and the name of any proposed receiver recommended by the petitioner shall be served upon all parties. If the petition is filed as a new action, the initial hearing shall be set in the Ex Parte Department, and an order to show cause shall be served on all parties. Contested proceedings may be referred by the commissioner to the assigned Judge. Petitions filed in a pending action shall be heard by the assigned Judge, and do not require an Order to Show Cause if all parties have been served and appeared in the action. Upon the appointment of a receiver, the receiver shall notify all parties of the appointment.

(2) Procedure. Court rules for motion practice will apply to applications for appointment of a receiver.

(3) Status Conference. After the appointment of a receiver, any party may note a status conference before the assigned Judge for the purpose of determining the course of proceedings in the receivership, including amending the case schedule and such other matters as may be appropriate for the receivership.

(4) Ancillary Proceedings. Any actions filed by or against a receiver shall be assigned to the Judge overseeing the receivership, unless otherwise ordered by that Judge.

[Amended effective September 1, 1997]

LR 69. EXECUTION

(b) Supplemental Proceedings.

(1) Time. Supplemental proceedings shall be conducted commencing at such time as assigned by the Court in the Courtroom of the Chief Civil Department for Seattle case assignment area cases and by the Chief RJC Judge for Kent case assignment area cases.

(2) Failure to Appear. Failure of the person to be examined to appear shall result in issuance of a bench warrant by the Court. Failure of the examining attorney to appear without prior notification to the Court shall result in release of the person to be examined and may result in imposition of terms against that attorney if subsequent supplemental proceedings are scheduled for the same debtor.

[Adopted effective September 1, 1984; amended effective September 1, 1996; September 1, 2003.]

X. SUPERIOR COURTS AND CLERKS (Rules 77-80)

LR 77. SUPERIOR COURTS AND JUDICIAL OFFICERS

(f) Sessions.

(1) Continuous Session. There shall be one continuous session of court from January 1 to December 31 of each year, excepting those days designated as legal holidays and such days in connection therewith as shall be specifically designated from time to time by the court.

(2) Court Hours.

(A) Presiding Department. The court shall be open from 8:30 AM to 12:00 noon and 1:30 PM to 4:30 PM, Monday through Friday and Saturday from 10:00-12:00. No judge need attend personally on Saturdays except upon call. When not personally present, the Presiding Judge shall keep posted in a conspicuous place on the courtroom door and also on the door of the County Clerk's office a notice giving the names and telephone numbers where the Presiding Judge or acting Presiding Judge and clerk may be reached during court hours.

(B) Trial Departments. Sessions of trial departments other than the Juvenile and Special Calendars Departments shall be from 9:00 AM until 12 noon and from 1:30 PM until 4 PM, Monday through Friday, unless otherwise ordered by the judge. Special sessions of any court may be held on Saturday at the discretion of the judge presiding in the particular department, to hear any and all matters that such judge sets for hearing before him/her and at such hours upon said day as the departmental judge shall fix.

(C) Ex Parte Department. The Ex Parte Department shall be open from 9 AM until 12 noon and from 1:30 PM until 4:15 PM, Monday through Friday.

(i) Sessions Where More Than One Judge Sits -- Effect on Decrees, Orders, etc.

(1) Presiding Judge; Duties. The Presiding Judge shall preside when the court sits *en banc*, shall preside over the Department of the Presiding Judge and shall receive and dispose of all communications intended for the Superior Court not personally addressed to any judge nor relating to business which has been assigned to any particular department.

(2) --Same; Jurors. The Presiding Judge shall have general charge of all jurors and shall determine requests for excuse from jury service. The Presiding Judge may delegate the determination for requests for excuse from jury service to senior jury staff.

(3) --Same; Liaison with Departments. If, for any reason, a departmental judge cannot hear a matter, he/she shall return it to the Chief Civil Department for Seattle case assignment area cases and the Chief RJC Judge for Kent case assignment area cases, for hearing or reassignment.

(4) --Same; Criminal Arraignments, Emergency Orders and Writs. The Chief Criminal Judge shall hear or assign for hearing the criminal arraignment calendar. Applications for Writs of Habeas Corpus relating to custody of minor children and other extraordinary writs shall be presented to the Chief Civil Judge for Seattle case assignment area cases and the Chief Regional Justice Center Judge for Kent case assignment area cases. Applications for emergency and miscellaneous applications on civil matters shall be presented to the Chief Civil Department. No other judge shall sign emergency orders or grant writs while the Presiding Judge or Chief Civil Judge is on duty unless the matter is specifically assigned to that judge by or under the direction of the Presiding Judge or Chief Civil Judge, or except as provided in LR 98.40. Any order procured in violation of this paragraph may be set aside by the Presiding Judge or Chief Civil Judge upon the application of the party against whom the order has been issued made within 24 hours after service of the order. (See also CR 65(a)(1), Notice.)

(5) --Same; Ex Parte Orders. The Chief Civil Department may hear any matters

assigned to or arising out of the Ex Parte Department.

(6) --Same; Judges Pro Tempore. All judges pro tempore shall be appointed by the Presiding Judge.

(7) --Same; Absence. The Presiding Judge in case of disability or necessary absence, may designate another judge to act as Presiding Judge temporarily when the Assistant Presiding Judge is not available.

(8) --Same; Delegation of Duties. The Presiding Judge may delegate all duties not required by law to be performed by a Superior Court judge in person.

(9) Ex Parte Department; Show Cause Orders. Applications, motions, show cause orders and citations shall be made returnable before the following departments:

(A) Probate. Motions, orders to show cause and citations in probate shall be made returnable to the Ex Parte Department.

(B) Writs of Restitution; Unlawful Detainer. Orders to show cause why a writ of restitution should not be issued in an unlawful detainer matter shall be made returnable to the Ex Parte Department.

(C) Other. Motions and orders to show cause in all other civil proceedings shall be made returnable before the assigned judge.

(10) Orders to Show Cause. The court shall make orders to show cause returnable in not less than five days except for good cause shown.

(11) Sealed Files. Applications to examine sealed files shall be made as follows: civil and domestic cases to the Ex Parte Department; adoption cases to the Sealed Adoption File Committee judges; dependency cases to the Juvenile Department; mental illness cases to the mental illness calendar. No order permitting the examination of any sealed file shall be entered without a written motion and affidavit showing good cause therefor. The court may, in its discretion, require notice to be given to any party in interest before permitting such examination.

[Amended effective September 1, 2001; September 1, 2003]

LR 78. CLERKS

(a) Powers and Duties of Clerk.

(1) Certification. The Clerk, upon application and payment of the fee provided by law, shall certify any one or more of the rules of this Court, or subsections thereof.

(c) Orders by Clerk.

(1) Commission to Take Testimony in Probate and Adoption Proceedings. Upon the filing of a request the Clerk shall issue a commission to take testimony in any probate or adoption proceeding, unless otherwise ordered by the Court.

(f) Bonds.

(1) Cash Bonds; Minimum Amount. Cash bonds ordered to be posted with the Clerk in probate and other matters will be in the amount of at least $25 and shall be paid in cash.

(2) --Same; Withdrawal. The party posting a cash bond, promptly at the conclusion of the matter to which it relates, shall present to the Court an order authorizing withdrawal, and forthwith upon its entry, withdraw the bond.

(g) Payment and Disbursal of Trust Funds.

(1) Payment of Trust Funds. Trust funds shall be paid to the Clerk with one of the following methods of payment: cash, cashier's check, money order, certified check, government check, attorney's check, or company's check.

(2) Disbursal of Trust Funds. Trust funds that are paid by attorneys check or company's check will be available to be disbursed eight court days after receipt by the Clerk. Trust funds that are paid by any other method listed in subsection (1) above will normally be available to be disbursed the first or second court day following receipt by the Clerk.

(h) Interest Bearing Accounts.

(1) Requests and orders directing the Clerk to place trust funds in amounts exceeding $2,000.00 into an interest bearing account, must be delivered to the Cashier Section of the King County Superior Court Clerk's Office. If the request or order was filed prior to payment of the trust funds, a copy of the request or order must be delivered to the Cashier Section at the time the trust funds are paid.

[Amended effective September 1, 1996.]

LR 79. BOOKS AND RECORDS KEPT BY CLERK

(d) Other Books and Records of Clerk.

(1) Exhibits; Filing and Substitution. All exhibits and other documents received in evidence on the trial of any cause must be filed at that time, but the court may, either then or by leave granted thereafter, upon notice, permit a copy of any such exhibit or other document to be filed or substituted in the files, in lieu of the original.

(A) Exhibit Files. The exhibits in all cases shall be kept by the clerk separate from the files of the case.

(B) Exhibits--Inspection. No exhibits shall be inspected in the clerk's office except in the presence of the clerk or one of his/her deputies.

(C) Original Court Record--Copies. No original court record shall be admitted as an exhibit, but a copy thereof may be so admitted.

(2) Unsuitable Materials as Exhibits. Whenever there is presented to the clerk for filing in a cause any document or other material that is deemed by the clerk to be improper or inappropriate for filing, the clerk shall affix his/her file mark thereto and may forthwith orally apply to the court for a determination of the propriety of filing the material presented. If the court determines that the document or material should not be made a part of the file, an order shall be entered to that effect and the material shall be retained by the clerk as an exhibit in the cause. The court may order that the unsuitable material be sealed, in which event it shall be available for inspection only by order of the court except to the parties or their attorneys of record.

(3) --Same; Not Evidence Unless Ordered. Exhibits filed pursuant to subsection (2) hereof shall not be evidence in the cause unless by order of the trial judge entered on notice and hearing.

(4) Withdrawal of Files and Exhibits.

(A) Files. The clerk shall permit no original paper documents to be taken from his/her office or from his/her custody, by anyone other than court personnel, unless written

authority has first been obtained. All of the clerk's files which are in the hands of an attorney for the purposes of any trial or hearing must be returned by the attorney to the clerk at the close thereof. The clerk, or a designated deputy, may in his/her discretion and on application in writing, grant written authority to the applicant to withdraw one or more original paper files from the clerk's custody for a period not exceeding ten days. The court may, upon written application showing cause therefor, authorize the withdrawal of specified clerk's files for a period in excess of ten days. For case files maintained electronically, no person may remove the electronic media on which the record is kept from the custody of the Clerk, but copies of a file or of the documents therein may be obtained from the Clerk as provided by law and rule.

(B) --Same; Statement of Facts. Statements of facts in cases where the original record remains in paper form, after having been settled and signed, shall not be withdrawn from the Clerk's office.

(C) Exhibits; Temporary Withdrawal. Exhibits may be withdrawn temporarily from the custody of the Clerk only by:

(i) The Judge having the cause under consideration;

(ii) Official court reporters, without court order, for use in connection with their duties;

(iii) Attorneys of record, upon court order, after notice to or with the consent of opposing counsel.

The Clerk shall take an itemized receipt for all exhibits withdrawn, and upon return of the exhibit or exhibits they shall be checked by the Clerk against the original receipts. The Clerk shall keep all receipts for such exhibits for the period of three years from date.

(D) Failure to Return Files or Exhibits; Sanctions. In the event that an attorney or other person fails to return files or exhibits which were temporarily withdrawn by him/her within the time required, and fails to comply with the Clerk's request for their return, the Clerk may, without notice to the attorney or other person concerned, apply to the Presiding Judge for an order for the immediate return of such files or exhibits. A certified copy of such order, if entered, shall then be served upon the attorney or other person involved.

(E) Exhibits; Permanent Withdrawal. After final judgment, the time for appeal having elapsed, and no appeal having been taken, the Court, on application of any party or other person entitled to the possession of one or more exhibits, and for good cause shown, may in its discretion order the withdrawal of such exhibit or exhibits and delivery thereof to such party or other person.

(i) --Same; Narcotics. When narcotic or dangerous drugs have been admitted in evidence or have been identified, and are being held by the Clerk as a part of the records and files in any criminal cause, and all proceedings in the cause have been completed, the prosecuting attorney may apply to the Court for an order directing the Clerk to deliver such drugs to an authorized representative of the law enforcement agency initiating the prosecution for disposition according to law. If the Court finds these facts, and is of the opinion that there will be no further need for such drugs, it shall enter an order accordingly. The Clerk shall then deliver the drugs and take from the law enforcement agency a receipt which he/she shall file in the cause. He/she shall also file any certificate issued by an authorized federal or state agency and received by him/her showing the nature of such drugs.

(F) Return of Exhibits and Unopened Depositions. In any civil cause on a stipulation of the parties that when judgment in the cause shall become final, or shall become final after an appeal, or upon judgment of dismissal or upon filing a satisfaction of judgment, the Clerk may return all exhibits and unopened depositions, or may destroy them. The Court may enter an order accordingly.

(5) Sealed Files. The Clerk shall not permit the examination of any sealed file except by order of the Court entered pursuant to LR 77(i)(11).

(6) Documents Sealed By Court Order. Once the court order has been signed, the filing party must place the words "Sealed per court order filed (date)" in the caption of any document to be sealed. The filing party must then place the sealed document in a manila envelope marked "Sealed document" on the outside before delivering it to the clerk for filing.

[Amended effective September 1, 2001, September 1, 2003; September 1, 2004].

LR 80. COURT REPORTERS

(-) Scope of Rule.

The provisions of this rule shall apply to official court reporters, visiting Judge court reporters and court reporters pro tempore.

(c) General Reporting Requirements.

(1) Separate Civil and Criminal Notes. Court reporters shall keep separate notes for civil and criminal cases.

(2) Arguments; Voir Dire; Information Discussion. Unless expressly directed by the trial Judge, the following matters will not be reported:

(A) Closing arguments in civil cases, both jury and nonjury.

(B) Voir dire in civil jury cases.

(C) Informal discussions relating to proposed instructions.

(3) Oral Rulings and Decisions. Oral decisions by the Judge of any department which are transcribed for any purpose shall first be submitted to such Judge for correction prior to delivery of a final copy thereof and a final copy shall be furnished to the Judge for his/her file.

(d) Transcripts and Statements of Fact.

(1) Transcripts; Notice to Opposing Counsel. Subject to making satisfactory arrangements for payment of cost, reporters shall furnish promptly all transcripts ordered by counsel. Upon request by one counsel for a transcript of any portion of the record, the reporter shall give prompt notice to opposing counsel of the request.

(2) Statements of Fact; Ordered in Writing. Orders by counsel for statements of facts shall be in writing, and shall be timely. Subject to making satisfactory arrangements for payment of the cost, reporters shall furnish promptly all statements of fact on written order from counsel.

(3) Substitution of Reporters. In the event there is a substitution of reporters, counsel may order the transcript or statement of facts from the reporter first assigned, who shall notify the substitute reporter of the order.

(4) Cases Involving the Dependency of a Child or the Termination of Parental Rights--Accelerated Provision.

(A) In all cases in which appellate review is sought of decisions involving or relating to (1) the termination of parental rights pursuant to RCW 13.34.180 through RCW 13.34.220, and/or (2) findings of dependency and disposition orders entered pursuant to RCW 13.34.110 and RCW 13.34.130 respectively, the party seeking appellate review or counsel for such party shall, except as otherwise provided herein, order in writing all necessary transcripts of the report of proceedings from the responsible court reporters within ten days after filing of a notice of appeal or a notice for discretionary review. Copies of any orders for such transcripts shall be promptly delivered to all other parties or their counsel.

(B) In all cases referenced in paragraph (A) above in which an order of indigency pursuant to RAP 15.2 has been sought, trial counsel for the party seeking appellate review shall notify any new counsel appointed on appeal of such appointment within five days after the date that such order of indigency is signed or within five days after applying to the Supreme Court for an order of indigency pursuant to RAP 15.2(b)(3) and (c). Appellate counsel shall order in writing all necessary transcripts of the report of proceedings from the responsible court reporters within fifteen (15) days after the signing of the order of indigency. Copies of any orders for such transcripts shall be promptly delivered to all other parties or their counsel.

(C) Unless the appellate court, upon motion by any party or upon affidavit from any responsible court reporter (copies of which affidavit shall be promptly forwarded to each party or their counsel), authorizes an extension of such period, such transcripts shall be made available to the appellate court and to each party or their counsel within sixty (60) days after receipt of the order for such transcripts by the responsible court reporters.

(e) Filing of Notes.

(1) Separate Civil and Criminal Notes. Reporters shall file their notes for civil and criminal cases separately with the county Clerk.

(2) Stenotype Machines; Loose-Leaf Notebooks. Court reporters using Stenotype machines or loose-leaf notebooks shall file their notes in the office of the county Clerk within thirty days after the conclusion of the trial or proceeding.

(3) Notebooks. Court reporters using notebooks shall file their notebooks with the county Clerk within thirty days after the notebooks are filled and the trial last reported therein is completed.

(4) Index. An index, with the number and title of all trials reported, shall be attached to each set of Stenotype notes, loose-leaf notes and notebook, and filed therewith.

(5) Withdrawal of Notes; Return. After filing the notes, the reporters may withdraw them for such time as is necessary to prepare transcripts, by giving a receipt therefor to the county Clerk. The notes shall be returned to the County Clerk's office as the transcripts are completed, or on demand of the County Clerk.

[Amended effective September 1, 1989.]

XI. GENERAL PROVISIONS (Rules 81-86)

LR 82. CASE ASSIGNMENT AREA

(e) Location for Court Proceedings for Civil Cases Filed in King County; Filing of Documents and Pleadings and Designation of Case Assignment Area.

(1) Designation of Case Assignment Area. Each case filed in the Superior Court shall be accompanied by a Case Assignment Designation Form [in the form set forth at LR 82(e)(8)] on which the party filing the initial pleading has designated whether the case fits within the Seattle Case Assignment Area or the Kent Case Assignment Area, under the standards set forth in Sections (2) through (7), below. Civil cases filed prior to September 1, 1995 and criminal cases filed prior to June 1, 1996 are defaulted to the Seattle Case Assignment Area unless otherwise ordered by the Court.

(2) Where Proceedings Held. All proceedings of any nature shall be conducted at the Court facility in the case assignment area designated on the Case Assignment Designation Form unless the Court has otherwise ordered on its own motion or upon motion of any party to the action.

(3) Boundaries of Case Assignment Areas. For purposes of this rule King County shall be divided into case assignment areas as follows:

(A) Seattle Case Assignment Area. All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

(B) Kent Case Assignment Area. All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

(C) Change of Area Boundaries. The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

(4) Standards for case assignment area designation, and revisions thereof.

(A) Location Designated by Party Filing Action. Initial designations shall be made upon filing as follows:

(i) Family Law, Paternity and Adoption Cases. For adoption cases, the area where the petitioner(s) resides; for paternity cases, the area where the child resides; and for all other family law cases, the area where either the petitioner or respondent resides or if neither party resides in King County, in the Seattle case assignment area.

(ii) Probate, Guardianship and Trust cases. For probate cases, the area where the decedent principally resided or if the decedent did not reside in King County, the area in which any part of the estate may be; for guardianship cases, the area where the ward resides; and for trust cases, the area where the principal place of administration of the trust is located. If no principal residence or estate is located in King County, the action may be filed in either case assignment area.

(iii) Orders for Protection and Orders for Antiharassment. For orders for protection or for antiharassment, the area where the petitioner resides unless the petitioner has left the residence or household to avoid abuse; in that case, in either the case assignment area of the previous or the new household or residence.

(iv) Other Civil cases. For civil cases involving personal injury or property damage, the area where the injury or damage occurred; for cases involving condemnation, quiet title, foreclosure, unlawful detainer or title to real property, the area where

the property is located; for all other civil cases, including administrative law reviews, the area where a defendant or respondent resides, or if there is no defendant or respondent, or if defendant or respondent does not reside in King County, the area where the plaintiff or petitioner resides.

(v) Appeals from Courts of Limited Jurisdiction and Transcripts of Judgment. For RALJ appeals, the Seattle case assignment area. For small claims appeals and transcripts of judgment, the case assignment area where the court of original jurisdiction is located.

(vi) Actions filed pursuant to RCW 36.01.050. For actions filed pursuant to RCW 36.01.050 (adjoining counties), either case assignment area.

(vii) Domestic Modifications and Support Adjustments. Any Modification Petition or Motion for Support Adjustment in either domestic or paternity cases shall be accompanied by a new Case Assignment Designation form.

(viii) Cases filed pursuant to Trust and Dispute Resolution Act, ch. 11.96A, RCW. Seattle if the primary residence or estate of decedent was in the Seattle case assignment area; all other such cases shall be designated to Kent. If no principal residence or estate is located in King County, the action may be filed in either assignment area.

(B) Improper Designation/Lack of Designation. The designation of the improper case assignment area shall not be a basis for dismissal of any action, but may be a basis for imposition of terms. The lack of designation of case assignment area at initial case filing may be a basis for imposition of terms and will result in assignment to a case assignment area at the Court's discretion.

(C) Assignment or Transfer on Court's Motion. The Court on its own motion may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

(D) Motions By Party to Transfer. Motions to transfer court proceedings from one case assignment area to another shall be made in writing as required by LR 7; shall be ruled on by the Court without oral argument; and shall be noted for consideration no later than 14 days after the date for filing the Confirmation of Joinder of Parties, Claims, and Defenses in civil cases, as required in LR 4.2(a), or the date for filing of the Confirmation of Issues in domestic cases, as required by LFLR 4(c). All cases shall proceed in the original case assignment area until an order of transfer is entered. Proceedings in the assigned area shall not preclude the timely filing of a motion to transfer.

(E) Venue not affected. This rule shall not affect whether venue is proper in any Superior Court facility in King County.

(5) Where Pleadings and Documents Filed. Pleadings and documents for any civil action in King County may be filed in paper form with the Clerk of the Superior Court at any court facility in any case assignment area in the county. Documents filed in electronic form, pursuant to GR 30, must be filed in a manner prescribed by the Clerk. Working copies of documents for the Judge must be delivered to the court facility where the Judge is assigned.

(6) Ex Parte Proceedings. Proceedings in the Ex Parte Department shall be heard in the case assignment area of the case, except that ex parte matters which do not require court case file review may be heard in any court facility of King County Superior Court.

(7) Inclusion of Case Assignment Area Code. All pleadings and documents shall

contain after the cause number the case assignment area code assigned by the Clerk (or the default case assignment area code pursuant to LR 82(e)(1)) for the case assignment area in which court proceedings are to be held. The Clerk may reject pleadings or document that do not contain this case assignment area code.

(8) Case Assignment Designation Form. The Case Assignment Designation Form shall be in substantially the following form:

Attachment to Case Indexing Cover Sheet

CASE ASSIGNMENT DESIGNATION

I certify that this case meets the case assignment criteria, described in King County LR 82(e), for the:

_____ Seattle Area, defined as

All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; and all of Vashon and Maury Islands.

_____ Kent Area, defined as

All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

_____ _____

Signature of Petitioner/Plaintiff Date

or

_____ _____

Signature of Attorney for Petitioner/Plaintiff Date

_____

WSBA Number

[Effective September 1, 1995; amended effective September 1, 1996; April 14, 1997; September 1, 1997; September 1, 1999; September 1, 2001; September 1, 2004, September 1, 2006.]

LR 83. LOCAL RULES OF SUPERIOR COURT

Except in case of emergency or other circumstances justifying immediate change, and except for rules that describe only the structure, internal management and organization of the court as provided in GR 7(a), the court shall submit to the Bar proposals for amendment of local rules so that members of the bar may submit comments or objections prior to the adoption of proposed amendments.

[Amended effective September 1, 2001]

LR 84. "FORMS"

(a) Requirements.

(1) All original pleadings or other documents with proper caption and cause number will be file stamped, docketed and secured in the legal file by the Clerk of the Superior Court in the order received.

(2) Action documents. Pleadings or other documents requiring action on the part of the Clerk/Court (other than file stamping, docketing and entry in the court file) shall be considered action documents. Action documents must contain special caption and specify the action required on the first page.

[Adopted effective September 1, 1984; September 1, 2004.]

XII. SPECIAL PROCEEDINGS RULES

LR 93.04 ADOPTION PROCEEDINGS

(a) Where Hearings are to be Held. All adoption hearings shall be heard in the Ex Parte and Probate Department of the case assignment area designated for that case unless specially set before a Judge. All hearings shall be noted in conformity with paragraph (b) of this rule.

(b) Notice of Hearing. All adoption hearings requiring notice shall be noted for hearing, on the approved Notice for Hearing form, at least 14 days in advance of the hearing date unless otherwise required for the hearing by law. The moving party shall serve and file all motions documents no later than 14 days before the hearing date.

(c) Notice to Adoption Service. Upon the filing of any initial pleadings for adoption of a minor child, the petitioner shall immediately notify the King County Family Court Adoption Service, on a form approved by the Court, of the filing of such proceeding and the names and addresses of all parties and attorneys. Copies of all Notices for Hearing for temporary custody, termination or relinquishment of parental rights or for the entry of a Decree of Adoption of a minor child shall be served upon the Adoption Service in conformity with paragraph (b) of this rule.

(d) Court's Working Papers. Courtesy copies of pleadings and Notice for Hearing shall be delivered to the Judge's mailroom in the courthouse designated for the case no later than 14 days prior to the date set for hearing.

(e) Post Placement Reports and Services. No person shall provide post-placement services until authorized by the Court. Unless otherwise specifically ordered by the Court, the adoption agency having legal custody of the child may be appointed to prepare the post-placement report required by statute. In independent adoptions, the motion to appoint a qualified person to provide post-placement services shall be supported by a written curriculum vita or resume.

(f) Case Schedule. [Reserved]

(g) Confirmation of Consent. Except where legal custody of the adoptee is held by a licensed child placing agency, King County Family Court Services shall investigate and provide to the Court a report confirming the voluntariness of any consent to relinquish parental rights. No consent to relinquish parental rights shall be approved until the Court has received a report complying with this rule. The petitioner or Adoption Facilitator shall immediately notify the Adoption Service that a Consent to Relinquish Parental Rights of Consent to Adoption is anticipated and that a Confirmation of Consent report will be required.

(h) File Review. The Adoption Service shall review and forward to the Court the original court file, approved adoption checklist, court docket and working papers not less than two court days prior to any properly noted hearing. The Adoption Service shall notify the Court and parties of any deficiencies noted in the court file.

(i) Disclosure of Fees and Costs. A completed financial disclosure form shall be filed by the petitioner and considered by the Court at any hearing which may result in the termination of parental rights, award of temporary custody or entry of an adoption decree.

[Amended effective September 20, 1990; September 1, 1996; September 1, 1999; September 1, 2004.]

LR 94.04 FAMILY LAW PROCEEDINGS

[Deleted effective September 1, 2004, See the LFLR's (local family law rules)]

LR 98.04 ESTATES-PROBATE-NOTICES

(a) Probate Hearings. Probate matters shall be heard in the Ex Parte and Probate Department in accordance with the policy guidelines in the probate manual issued by the court.

(b) Clerk's File and Noticed Hearings Required. The following matters shall be noted for hearing at least 14 days in advance:

(1) All guardianship and decedent's estate matters involving the approval of periodic reports, final accounts or the expenditure of funds;

(2) Petitions for Nonintervention Powers, unless notice has been waived by the parties or is not required by law;

(3) Interim accounts in estate matters;

(4) Motion for confirmation of sale of real estate; or

(5) Any other matter in which the court is requested to find that certain procedural steps have been taken.

(6) Working copies of all contested matters and those requiring notice must be delivered to the Ex Parte and Probate Department or the judges' mailroom of the appropriate case assignment area, not later than seven days preceding the hearing. Response documents including briefs, if any, must be filed with the clerk and copies served on all parties and delivered to Ex Parte or the judges' mail room of the appropriate case assignment area no later than noon four court days prior to the hearing time. Documents in strict reply thereto shall be similarly filed and served no later than noon two court days prior to the hearing. The upper

right-hand corner of all working copies shall be marked "working papers" and note the name of the calendar, the date and time of the hearing, and by whom these documents are being presented ("moving party," "opposing party" or other descriptive or identifying term shall be written in).

(c) Bonds to be Signed by Principal. All bonds required of personal representatives shall be signed by the principal and shall contain the address of the surety.

(d) Order for Production of Wills. Upon filing any petition showing jurisdictional facts as to the estate of a deceased person and alleging that it is believed that a will exists and is in a safety deposit box to which the deceased had access, any person having control of such safety deposit box may be directed by court order to open such box in the presence of the petitioner, and if a document purporting to be a will of the deceased is found, the custodian of such safety deposit box shall deliver the same to counsel for the petitioner for immediate filing or to the clerk of the court.

(e) Appointments; Eligibility of County Employees. No county employee shall be appointed guardian or administrator in any matter in which compensation is allowed, unless he/she has an interest or blood kinship, or as an heir, or of a financial nature.

(f) Probate Homesteads; Prior Claims. In all cases where a petition for allowance in lieu of homestead or in addition thereto is filed by the surviving spouse, vouchers showing the payment of funeral expenses, expenses of last sickness and of administration including fees of appraisers, or a signed written statement by the creditor that such payment has been provided for, must be filed at or before the time of the hearing of said petition.

(g) Oaths. The Personal Representative(s) name must be typed or printed on the oath as it appears in the order. When a Personal Representative in an estate changes his or her name, he or she must obtain an order for new letters and file an oath under the new name in order to receive new letters. The expiration date of the letters shall remain the same unless changed by the new order.

(h) Order Appointing Personal Representative. The order shall contain the name(s) of the Personal Representative as it appears in the oath.

(i) Notification of Change of Address. Any person appointed as Personal Representative or Administrator of an estate must file a notice of change of address with the court within 30 days of the change.

[Amended effective September 1, 1984; September 1, 1999; September 1, 2001; September 1, 2004; September 1, 2005; September 1, 2006.]

LR 98.14 TRUST AND ESTATE DISPUTE RESOLUTION ACT AND POWER OF ATTORNEY

(a) Applicability. This rule shall apply to all judicial proceedings under RCW 11.96A.090 or 11.96A.300. All documents filed under this rule shall be captioned as *In re Estate of*. Documents may be further sub-captioned to identify specific parties as circumstances warrant.

(b) Hearings. Judicial proceedings shall be assigned to the Ex Parte and Probate department. Hearings shall be noted at least 14 days in advance and at least 20 days after service and filing of the TEDRA petition. See also LR 98.04(b)(6). If a need for an extended hearing

arises, the matter will be certified for trial. The Clerk's Office will issue a judicial assignment and a trial date.

(c) Performance requirements. All issues initiated under TEDRA that pertain to an estate must be resolved before the estate can be closed. If the TEDRA proceeding was filed as an incidental action under a separate cause number, when all issues are resolved and the case is ready to be closed, a document shall be filed in the matter indicating that a complete resolution has been achieved.

[Adopted effective September 1, 2006]

LR 98.16 SETTLEMENT OF CLAIMS OF MINORS AND INCAPACITATED PERSONS

(a) Representation.

(1) Working Papers. Working copies of reports of the settlement guardian ad litem, independent counsel and of the general guardian in regard to the proposed settlement shall be provided to the Ex Parte and Probate Department not later than seven days preceding the hearing.

(2) Ex Parte and Probate Department to Hear. All matters requiring the attention of the Court shall be presented to the Ex Parte and Probate Department.

(3) Independent Counsel. A plaintiff attorney representing the incapacitated person may be found to be an independent attorney upon application to the Court and entry of findings per SPR 98.16W. An attorney may not be specially retained by the parties for the purpose of serving as independent counsel, but may be appointed by the Court.

(4) Performance of Requirements; Review. If there is no general guardian at the time a settlement is authorized, the Court shall thereupon follow procedures for review and checking on the case until all requirements of the Court incident to the settlement have been complied with and appropriate receipts have been placed on file.

(5) File Number Case Type. All settlements other than those occurring in cases that already have a King County case number shall be filed with a guardianship case number.

(6) Report Date. Upon signing of the order appointing a settlement guardian ad litem or independent counsel, the Court will note on the order when the report is due.

(7) Reports and Accounting. Periodic reports and accountings required of guardians ad litem who are custodians of an incapacitated person's estate shall be filed and noted for hearing at least 14 days before the scheduled date.

(8) The appointment of settlement or litigation guardians ad litem, trust drafters, and independent counsel are subject, as appropriate, to the provisions of LGALR 1-7.

(b) Control and Orders for Remaining Funds. For all settlements in which the funds will be retained in a blocked account, a receipt must be submitted on a form approved by the court. The Order approving Minor Settlement shall note a date by which an order to disburse funds will be presented to the court.

[Amended effective September 1, 1984; September 1, 1993, September 1, 1996; September 1, 1999; September 1, 2006.]

LR 98.20 GUARDIANSHIPS AND TRUSTS

(a) Hearing Date (Initial Appointment). Upon application, the clerk shall set a date and time for hearing on petitions for the appointment or removal of a guardian, limited guardian or trustee. Unless otherwise directed by court order, the date for an appointment hearing shall be not less than 45 days nor more than 60 days from the date of filing of the petition.

(b) Service and Filing of Reports (Initial Appointment). The report of the guardian ad litem, medical or psychological report, proof of service and other documents offered in support of the petition or in anticipation of the hearing shall be served and filed not less than seven days in advance of the hearing date. Working copies of the guardian ad litem report, medical or psychological report, and any additional affidavits shall be served upon the Ex Parte and Probate Department or judges' mail room of the appropriate case assignment area not later than seven days preceding the hearing. Response documents including briefs, if any, must be filed with the clerk and copies served on all parties and delivered to the Ex Parte and Probate Department or to the judges' mail room of the appropriate case assignment area no later than noon four court days prior to the hearing time. Documents in strict reply thereto shall be similarly filed and served no later than noon two court days prior to the hearing. The upper right-hand corner of all working copies shall be marked "working papers" and the name of the calendar, the date and time of the hearing, and by whom these documents are being presented ("moving party," "opposing party," or other descriptive or identifying term).

(c) Report Date.

(1) Upon signing of the order appointing guardian or declaring a trust and appointing a trustee, the next report shall be due on the anniversary of the appointment. The order shall include a Clerk's Action Summary on the first page in a format approved by the Court and posted on the King County Superior Court Clerk's website.

(2) Guardianships in which venue is changed to King County shall retain the reporting period established by the previous jurisdiction until the next accounting is reviewed by the court.

(3) Guardianships with multiple guardians and/or trustees shall have all reports due on the anniversary of the appointment of the first guardian/trustee. The court may designate a different term (i.e. annual, biennial or triennial) for the guardian or trustee report.

(4) If a successor guardian or trustee is appointed, reports shall be due on the anniversary of that appointment.

(5) Any changes to the reporting cycle of a guardian or trustee shall be approved by the court on a form provided by the Clerk's Office.

(d) Reports and Accountings and Contested or Noted Matters. Periodic reports and accountings required of guardians and trustees and other contested or noted shall be filed and noted for hearing at least 14 days before the scheduled date. Working copies of all reports, accountings, and contested matters otherwise noted or requiring notice must be delivered to the Ex Parte and Probate Department, or the judges' mailroom of the appropriate case assignment area not later than seven days preceding the hearing. Response documents, including briefs, if any, must be filed with the clerk and copies served on all parties and delivered to the Ex Parte and Probate Department or the judges' mailroom of the appropriate case assignment area no later than noon four court days prior to the hearing time; documents in strict reply thereto shall be

similarly filed and served no later than noon two court days prior to the hearing. The upper right-hand corner of all working copies shall be marked "working papers" and the name of the calendar, the date and time of the hearing, and by whom these documents are being presented ("moving party," opposing party," or other descriptive or identifying term) shall be written in.

(e) Delinquency Calendar. The clerk of the court will track and notify the court of cases in which accountings are delinquent. The court will direct the guardian, trustee, and counsel to appear at a hearing in which sanctions may be imposed or the personal representative removed.

(f) Mailed Reports. Guardianship and trust reports and accountings may be presented for approval by mail without the necessity of noting the case on the appropriate motion calendar, provided that if any person has requested special notice of proceedings or is entitled to notice pursuant to any court order or notice of appearance, the party submitting an order by mail must obtain the approval and signature of the party entitled to notice on any proposed order of approval.

(g) Oaths. The guardian name(s) must be typed or printed on the oath as it appears in the order. When a guardian changes his or her name he or she must obtain an order for new letters and file an oath under the new name in order to receive new letters of guardianship. The expiration date of the letters shall remain the same unless changed by the new order.

(h) Order Approving Guardian's Report and Accounting. The order shall include a Clerk's Action Summary on the first page in a format approved by the Court and posted on the King County Superior Court Clerk's website. The order shall also contain the name(s) of the guardian and address as it appears in the oath and clearly identify whether acting full or limited guardian over the person and/or estate. The order shall be obtained within sixty (60) days of filing the report and accounting.

(i) Vulnerable Adult Protection (VAP) Petitions. Any petition protecting a vulnerable adult shall be filed as a civil matter separate from any guardianship matter. If there is an existing guardianship case when the VAP is filed, a copy of the Protection order may be placed in that file.

(j) Loss of Voting Rights

(1) In accordance with RCW 11.88.010(5), if an incapacitated person loses the right to vote, the Order Appointing Guardian or Approving Report shall include a specific finding on the loss of the right to vote.

(2) The Guardian Ad Litem shall also submit a Notice of Loss of Voting Rights to the court that shall include the name, address, and date of birth of the incapacitated person and that shall direct the Clerk to forward the Notice of Loss of Voting Rights to the County Auditor.

(3) If the guardianship is terminated by a determination of competency of the individual, the court shall direct the Clerk to send to the County Auditor a certified copy of the Order Restoring Voting Rights including the same personal identifiers as the Notice of Loss of Voting Rights.

[Adopted effective September 20, 1990; amended effective September 1, 1996; September 1, 1999; September 1, 2001; September 1, 2003; September 1, 2004; September 1, 2005; January 1, 2006]

LR 98.30 MENTAL ILLNESS PROCEEDINGS

(a) Hearing. The Court in any case tried to the Court without a jury shall state its findings of fact and enter its decision on the record. Written findings at this stage of the proceedings may be in abbreviated form.

(b) Supplemental Written Findings and Conclusions on Appeal. The Court shall enter supplemental written findings and conclusions in a case that is appealed to the courts of appeal. The findings and conclusions may be entered after the notice of appeal is filed. The prosecution must submit such findings and conclusions, together with a copy of the taped report of proceedings, to the appropriate Judge or Commissioner, within 21 days after receiving the respondent's notice of appeal.

(c) Commissioner's Decision Not Stayed. A Commissioner's written order shall remain in effect pending a motion on revision unless ordered otherwise by the reviewing judge.

[Effective September 1, 1995; September 1, 2001]

LR 98.40 WRITS OF REVIEW, MANDAMUS, PROHIBITION

(a) Applicability. This rule shall apply to a writ filed pursuant to ch. 7.16, RCW.

(b) Notice to Adverse Party. Except in extraordinary circumstances, no writ shall issue unless the adverse party has been given timely notice pursuant to CR 6, LR 7, of the application for writ. If the notice was not given in a timely manner, the hearing on the application for writ shall be continued. No stay of proceedings shall issue without notice to all parties to the underlying cause from which the writ is sought. No stay of proceedings shall be issued by a judge *pro tempore* absent express written authority of the presiding judge or, in her or his absence, the assistant presiding judge.

(c) Contents of Application for Writ. The following documents must be filed with the application for the writ:

(1) Statement of relief requested;
(2) Legal memorandum explaining why there is no adequate remedy at law;
(3) Declaration or affidavit in support of the factual assertions in the writ;
(4) Declaration of notice to adverse party or statement as to why notice should be excused.

(d) Scheduling of Hearing on Application for Writ: The hearing on a writ from a criminal or infraction case shall be noted before the Chief Criminal Judge for Seattle case assignment area cases. The hearing on a writ in any other case shall be noted before the Chief Civil Judge for Seattle case assignment are cases. All hearings for Kent case assignment area cases shall be noted before the Chief RJC Judge. Where a stay of proceedings has been entered, the dispositive hearing on the writ shall be heard within thirty days of the issuance of the writ.

(e) Motion to File Writ *in forma pauperis.* The Chief Criminal Judge, in criminal and infraction cases, or the Chief Civil Judge in other cases shall review a motion to file *in forma pauperis* before a hearing on the application for a writ shall be scheduled. If the motion is granted, the clerk shall accept the application for filing without requiring a filing fee and shall assign a case number.

(f) Issuance of Case Schedule. When the court has found adequate cause for issuance of a writ, the filing party shall obtain a trial date and a case schedule from the clerk who will also assign the case to a Judge.

[Adopted effective September 1, 2001; amended September 1, 2002; September 1, 2003; September 1, 2005]

XIII. GENERAL RULES

LGR 31. ACCESS TO COURT RECORDS.

(d) Access.

(2) On-line access to the Clerk's electronic records system outside of the clerk's office and outside of King County's wide area network shall be restricted to cases filed November 1, 2004 and forward and shall be limited to the following case types:

(i) all criminal cases, defined as those categorized with a number 1 as the third digit of the case number;

(ii) all civil cases, defined as those categorized with a number 2 as the third digit of the case number, with the exceptions of petitions for domestic violence protection orders and petitions for antiharassment protection orders;

(iii) all probate cases, defined as those cases categorized with a number 4 as the third digit of the case number, except for guardianship cases.

Official Comment

1. Procedures, terms and conditions for on-line access are available in the Clerk's office and online at www.metrokc.gov/kcscc.

[Adopted effective November 5, 2004; amended September 1, 2005; February 23, 2006]

XIV. FAMILY LAW RULES

KING COUNTY LOCAL FAMILY LAW RULES (KCLFLR)

LFLR 1. APPLICABILITY.

These rules, along with applicable State and Local rules, shall apply to all family law proceedings, except for adoptions. Family law proceedings for the purpose of this rule include actions to divide the property or debts of a domestic partnership or quasi-marital relationship. Failure to follow the rules may result in the court imposing sanctions, which can include requiring one party to pay the other party's attorney fees, refusing to hear a party's motion, not considering documents filed by a party, or any other sanction deemed appropriate.

Official Comment

RCW 26.12.010 confers authority upon Family Courts to hear any proceedings under Title 26 as well as any proceedings in which the court is asked to adjudicate or enforce the rights of the parties or their children regarding the determination or modification of parenting plans, child custody, visitation, or support, or the distribution of property or obligations. Family Law Commissioners are empowered to exercise all the powers and duties of court commissioners under the Washington State Constitution, Article IV, Sec 23, when operating under the authority of RCW 26.12. See, RCW 26.12.060.

[Adopted effective September 1, 2004]

LFLR 2. DAYS AND TIMES FOR SCHEDULING HEARINGS; COURT HOLIDAYS.

Family law motions shall not be scheduled on legal holidays and non-judicial days. Hearing dates and times for the Ex Parte Department, Family Law Motions, and Support Modification/Trial by Affidavit Calendars, as well as a list of legal holidays and non-judicial days, may be obtained from the Clerk's Office/Department of Judicial Administration (E609 King County Courthouse, Seattle WA 98104 or King County Regional Justice Center, 401 4th Ave. N. Room 2C, Kent, WA 98032), by telephone at 206-296-9300 or by accessing http://www.metrokc.gov/kcscc. Schedules for the Family Law Motions and Ex Parte Department calendars are also available at the information desk in the King County Courthouse and the Court Administration Office in Room 2D of the Regional Justice Center. See Local Rule (LR) 7 with respect to scheduling a motion before a judge.

[Adopted effective September 1, 2004]

LFLR 3. MANDATORY FORMS TO BE USED.

The Washington State mandatory family law forms shall be used except where a mandatory form is designated "optional", local forms have been promulgated by the Court or no mandatory form exists for the particular matter. State and local forms, including Note for Motion forms, may be obtained from the King County Superior Court Clerk, the King County Facilitator's Office, the King County Superior Court Law Library, or by accessing http://www.metrokc.gov/kcscc.

[Adopted effective September 1, 2004]

LFLR 4. CASE SCHEDULE.

(a) Case Schedule. At the time of the filing of the petition in any domestic relations case, the clerk may issue a case schedule. The parties must strictly comply with all deadlines in the case schedule. The only notice that the parties will receive of certain deadlines (including the date for the status conference) is the case schedule, and failure to comply with the case schedule may result in sanctions or dismissal. See also LR 16.

(b) Requirement of Service of Case Schedule. The petitioner must serve a copy of the case schedule on the other party, along with the summons and petition and other documents required by this rule.

(c) Confirmation of Issues/Status Conference.

(1) Confirmation of Issues; Referral to Mediation.

(A) Deadline for Raising Additional Issues. No additional issues may be raised after the date designated in the Case Schedule for Confirmation of Issues, unless the Court orders otherwise for good cause and subject to such conditions as justice requires.

(B) Confirmation of Issues; Form. If all parties do not sign the Confirmation of Issues form or give telephonic authority for signature of the form, a status conference shall be held. No later than the designated deadline for raising additional issues, as described in subsection (c)(1)(A) above, the petitioner shall, after conferring with the respondent, file and serve a report entitled "Confirmation of Issues," which shall be in substantially the form provided by the court and available from the Clerk's Office or by accessing http://www.metrokc.gov/kcscc.

(d) Paternity Cases; Confirmation of Completion of Genetic Testing; Form.

(1) The form Confirmation of Completion of Genetic Testing shall be filed by the petitioner no later than the date specified in the Case Schedule and shall be in substantially the following form:

[ ] The petitioning party represents that:
(IF THIS BOX IS CHECKED, THERE WILL NOT BE A STATUS CONFERENCE AS NOTED IN THE CASE SCHEDULING ORDER.)

1. Paternity genetic testing of all named parties has been completed, the results of the tests are available to all parties, and no party has requested additional testing, OR
2. Genetic testing is not necessary in this case because paternity has been admitted.

[ ] The petitioning party represents that:
(IF THIS BOX IS CHECKED, THERE WILL BE A STATUS CONFERENCE, AS NOTED IN THE CASE SCHEDULING ORDER, AT WHICH ALL PARTIES OR THEIR ATTORNEYS MUST APPEAR.)

1. Paternity genetic testing of all named parties has not been completed, or the results are not yet available to all parties, or a party has requested additional testing, AND
2. Genetic testing is necessary in this case because paternity is not admitted.

In order to obtain the Court's direction in the matters described above, the parties will appear at a Status Conference, the date of which (as stated in notices on the Case Schedule) is: _____.

NOTICE: You may list an address that is not your residential address where you agree to accept legal documents.

DATED:_____ SIGNED:_____
Petitioner/Attorney (If Attorney, WSBA #)
Typed Name: _____
Address: _____
_____
Phone: _____

Attorney(s) For: _____

(e) Status Conference; When Required. A status conference will be held in family law cases when:

(1) no confirmation of issues form or completion of blood testing form has been filed; or

(2) when the filed form indicates that requirements regarding joinder of parties and issues and/or testing remain outstanding.

(f) Amendment of Case Schedule. The court, either on its own initiative or on motion of a party, may issue an amended case schedule. A motion to change trial date, even by agreement, must comply with LR 40(e). Motions to amend the case schedule or change trial date must be brought before the judge who is assigned to the case and will not be heard by the family law commissioners or in the Ex Parte Department.

[Adopted effective September 1, 2004]

LFLR 5. WHERE TO SCHEDULE MOTIONS IN FAMILY LAW PROCEEDINGS.

(a) Location of Courthouse (Case Assignment) and Courtrooms. Except as otherwise ordered or directed, all proceedings filed under a case with a "UFK" or "KNT" designation shall be heard at the Regional Justice Center, 401 4th Ave. N. in Kent, and all proceedings filed under a "UFS" or "SEA" designation shall be heard at the King County Courthouse, 516 Third Avenue in Seattle. See KCLR 82 as to the designation of case assignment areas. The Family Law Motions courtrooms in Kent are located at Room 1-G and in Seattle at Room W-291. Other courtroom numbers may be obtained from the King County Superior Court Clerk or by accessing http://www.metrokc.gov/kcscc.

(b) Where to Schedule Motions; General Rule. Except as otherwise provided in these rules, contested pre-trial and post-trial motions in family law proceedings, including non-marital relationships involving parenting and/or the distribution of assets/liabilities, shall be heard on the Family Law Motions Calendar. See LFLR 6 for Family Law Motions Calendar Procedures. Agreed orders and orders to show cause are generally heard on the Ex Parte Calendar on a walk-in basis.

(c) Where to Schedule Specific Types of Motions; Exceptions to General Rule [LFLR 5(b)]. The following specific types of Family Law Motions are to be scheduled as follows:

(1) Final Decrees and Nonparental Custody Orders: Uncontested actions for marriage dissolution, separation or invalidity decrees and non-parental custody decrees may be presented for final hearing in the Ex Parte Department on the uncontested dissolution calendar on at least fourteen (14) days notice. The fourteen (14) day notice requirement for final hearings shall not apply to agreed decrees of dissolution, separation or invalidity when presented by an attorney of record, who as an officer of the court has signed a certificate of compliance in the form prescribed by the Court. The certificate shall be filed at the time the decree is entered. The fourteen (14) day notice requirement does apply to nonparental custody decrees. An uncontested nonparental custody decree may also be presented for final hearing at the time of the

Mandatory Case Review hearing (as set forth in the Case Schedule).

(2) UFC Cases: If a case has been accepted into Unified Family Court (UFC) for case management, motions shall be scheduled and heard in accordance with the Order upon Acceptance to Unified Family Court. See LFLR 7.

(3) Support Modification Calendar: Pre-trial Motions related to the support modification calendar shall be brought as set forth in LFLR 14.

(4) Motions to be scheduled before judges: Motions scheduled before judges shall be brought using the timelines required by the applicable civil and local rules, including but not limited to CR 12, CR 56, and LR 7. Unless otherwise required, motions scheduled before judges shall be heard on at least six (6) court days notice and without oral argument unless otherwise directed by the court. The following motions shall be scheduled before the assigned judge, or if no assigned judge, by the Chief Civil Judge:

(A) Motions to seal a file, even if agreed;

(B) Motions to change the trial date, or a deadline in the case schedule;

(C) Motions for summary judgment, except for summary judgment motions in paternity actions which shall be heard on the family law motions calendar;

(D) Motions to resolve which court shall exercise jurisdiction under the Uniform Child Custody Jurisdiction and Enforcement Act (Chapter 26.27 RCW);

(E) Motions related to discovery. Motions to obtain discovery, such as to appoint an expert or to require an evaluation of a party, valuation of a business or property, or inspection of property, shall be scheduled on the family law motions calendar. Motions for a protective order, to compel a party to comply with a discovery request, or for sanctions related to discovery shall be scheduled before the assigned judge.

(F) Motions to Enforce a CR2A Agreement.

(G) Motions for Revision of a Commissioner's Order. See LR 7(b)(7).

(5) Motions related to Trials and Appeals: Presentation of final orders related to a trial, motions to reconsider or vacate a judgment or decree entered after trial, and motions relating to the appeal of a final order entered after a motion or a trial (including motions to waive fees for the appeal, to stay the underlying order), shall be noted before the trial judge. If a commissioner entered the final order that is appealed, such motions shall be noted before the Chief Civil Judge/RJC Judge. Motions in limine and trial motions shall be brought before the trial judge.

(6) Motions to Vacate Orders.

(A) An agreed order to vacate an order may be presented to the Ex Parte Department, unless the effect of the order would be to reinstate a case that has been dismissed or where the trial date has passed, in which case the agreed order shall be presented pursuant to LR 60.

(B) An agreed order to vacate a Clerk's dismissal so that parties may enter final orders may be presented to the Ex Parte Department.

(C) A motion to vacate an order signed by a judge shall be noted before that judge, unless the original order was entered by agreement or after a default, in which case the motion to vacate shall be noted before the Chief Civil/RJC Judge.

(D) A motion to vacate an order signed by a commissioner shall be noted on the family law motions calendar.

(7) Change of Case Assignment Area or Consolidation of Cases: A motion to change the case assignment area or consolidate two or more actions under one case schedule shall be brought before the Chief Civil Judge/RJC Judge provided that family law commissioners may consolidate a domestic violence protection order proceeding under a family law proceeding.

(8) Motions for Reconsideration. See LR 7(b)(5).

(9) Motions for Default Orders and Default Judgments.

(A) When notice is not required, motions for default orders and judgments shall be heard in the Ex Parte Department. If notice to an opposing party is required (for example, when an appearance but no answer has been filed), motions for default orders and judgments shall be noted on the family law motions calendar in accordance with LFLR 6.

(B) Appearance by Responding Parties without Filing a Response. If a party has appeared in the proceeding, but not filed a Response to the Petition, any other party may move for an Order of Default on the Family Law Motion Calendar. Upon entry of the Order of Default, the evidence may be reviewed and a default judgment (including an order setting support) may be entered in the Ex Parte Department.

(10) Orders Shortening Time. Motions for Orders Shortening Time shall be heard in accordance with LR 7 except that the motion shall be heard by the same judicial officer or calendar that is assigned under these rules to hear the substantive motion.

(11) Application for Writs of Habeas Corpus Relating to Minor Children shall be presented to and returnable to the senior judge of the Unified Family Court Department at the Regional Justice Center.

[Adopted effective September 1, 2004; amended affective September 1, 2006]

LFLR 6. FAMILY LAW MOTIONS CALENDAR PROCEDURES.

(a) Applicability. This rule applies to the family law motions calendar only and does not apply to motions before judges.

(b) Notice and Hearing.

(1) Note for Motion Calendar forms are required and may be obtained from the Clerk's Office or by accessing http://www.metrokc.gov/kcscc. Times and days for scheduling specific types of motions may also be obtained by calling 206-296-9300. See also LFLR 2.

(2) The original of the motion together with all supporting documents (including briefs, affidavits and/or declarations pursuant to RCW 9A.72.085) must be filed with the Clerk and copies served on all parties at least fourteen (14) calendar days before the date of the hearing. Response documents including briefs, if any, must be filed with the Clerk and copies served on all parties no later than by noon four (4) court days prior to the hearing time; and documents in strict reply thereto shall be similarly filed and served no later than 12:00 noon two (2) court days prior to the hearing.

(3) An additional "working copy" of all documents shall be delivered to the Family Court Motions Coordinator no later than noon three (3) court days prior to the hearing, except that documents in strict reply may be delivered by noon two (2) court days prior to the hearing. Parties shall clearly label the upper right-hand corner of each copy delivered to the Family Law Motions Coordinator with the words "Working Papers" and the name of the

calendar, the hearing date and time, and whose papers they are ("moving party", "opposing party" or other descriptive or identifying term). For any motion which requests the modification, adjustment, clarification, enforcement (including contempt), reconsideration or vacation of an earlier order, the working papers shall include a copy of the earlier order.

(c) Confirmations.

(1) The moving party shall confirm the motion (including motions for presentation of orders), with the Family Law Motions Coordinator in person or by telephone either A) three (3) court days prior to the hearing between 2:30 and 4:15 PM or B) two (2) court days before the hearing between 8:30 AM and 12:00 noon. The phone number to confirm Seattle case assignment area cases is 206-296-9340. The phone number to confirm Kent case assignment area cases is 206-205-2550. If not timely confirmed, the motion will be stricken and all working papers destroyed.

(2) Motions cannot be confirmed unless the moving party's working papers have been received in the Family Law Department.

(d) Agreed Continuances. The parties may agree to continue a hearing only once on the family law motions calendar, and only prior to the end of the confirmation period, as follows:

(1) The parties may continue the motion to any court day that is at least five (5) court days after the scheduled hearing date. The moving party must notify the Family Law Motions Coordinator of the new agreed hearing date by telephone within the confirmation period set forth in LFLR 6(c) above. If agreement to continue the hearing is reached during the confirmation period, the motion must first be confirmed.

(2) The moving party must re-confirm the motion for the new hearing date in accordance with LFLR 6(c) above.

(3) A request for a continuance after the expiration of the confirmation period set forth in LFLR 6(c) above must be brought before the commissioner at the original hearing time and will ordinarily not be granted.

(e) Limitations on Declarations.

(1) *Application.* This section (e) of this rule does not apply to domestic violence petitions or domestic violence motions.

(2) *Children's statements*. Declarations by minors are disfavored.

(3) *Formats*:

(A) All motions shall follow LR 7 and LR 10 to the extent they are not inconsistent with this rule, and use the forms required by LFLR 3.

(B) All filed documents and copies provided as "Working Papers" and served on other parties and attorneys shall be legible. If typed or computer printed, documents shall be in 12 point or larger type, double-spaced between the lines and conform to LR 10.

(4) *Basis*. Evidence, including written evidence in affidavits and declarations by the parties and lay witnesses, must comply with the rules of evidence. The rules of evidence provide that they need not be applied in domestic violence and anti-harassment protection order proceedings. See Rules of Evidence (ER) 1101(c) (4).

(5) *Page limits.*

(A) Generally. Absent prior authorization from the court, the entirety of all declarations and affidavits from the parties and any non-expert witnesses in support of motions (except financial declarations), including any reply, shall be limited to a sum total of

twenty-five (25) pages. The entirety of all declarations and affidavits submitted in response to motions shall be limited to a sum total of twenty (20) pages.

(B) Exhibits. Exhibits that consist of declarations or affidavits of parties or witnesses shall count towards the above page limit. All other exhibits attached to a declaration or affidavit shall not be counted toward the page limit.

(C) Financial Declarations. Financial Declarations and financial documents, as specified in LFLR 10, do not count toward the page limit.

(D) Expert Reports and Evaluations. Declarations, affidavits, and reports from Court Appointed Special Advocates (CASA), Family Court Services (FCS) and expert witnesses do not count toward the page limit.

(E) Miscellaneous Exceptions. Copies of declarations or affidavits previously filed for a motion already ruled upon and supplied only as a convenience to the court in lieu of the court file do not count toward the page limit. Deposition excerpts shall not count toward the page limit.

(6) See LR 7 for format and page limits on motions, opposition papers, briefs and memorandum of authorities.

(f) Time for Argument.

(1) Each side is allowed five (5) minutes for oral argument, including rebuttal, unless otherwise authorized by the court.

(2) By written stipulation of all parties, any motion except a motion for contempt may be set without oral argument.

(A) Motions heard without oral argument shall be set for a specific date and are subject to the same requirements (including confirmation) as other motions.

(B) Each party shall provide working papers and shall timely serve the opposing party. Parties shall conspicuously mark working papers with the words "Without Oral Argument" in the upper right hand corner of each document. The moving party shall provide stamped envelopes addressed to each party, and each party shall provide a proposed order(s) with the working papers.

(C) The commissioner may order the parties to appear for argument.

(g) Special Settings.

(1) Additional time for argument. A request for a special setting for oral argument that will require more than five minutes per side, or for other special settings shall be made in writing addressed to the Family Law Motions Coordinator.

(A) The request should state the extraordinary features of the case and explain why additional time for oral argument is needed. The request should state the length of time requested, and whether the other parties agree with the request. The written request shall include working copies of the motion and supporting documents, and all responses received.

(B) The written request shall be filed with the Clerk, delivered to the Family Law Coordinator, and served on all other parties at least six (6) court days prior to the scheduled hearing date. Any response to the request shall be filed and delivered to the Coordinator and other parties by noon at least two (2) court days prior to the scheduled hearing date. Replies are not permitted.

(C) An order granting the request cannot be entered by stipulation or

agreement.

(D) No other motion may be joined with a request for additional time.

(E) If granted, the Court will set the date and time for additional time for argument on the Family Law Motions Calendar.

(2) Motions to Permit Live Testimony at a Hearing. Except for domestic violence protection order proceedings, a party seeking to present live testimony at a hearing must file a request in writing in the same manner as a request for additional time for argument (in LFLR 6(g)(2) above).

(A) An order Permitting Testimony cannot be entered by stipulation.

(B) If granted, the court will notify the parties of the hearing date and time.

(h) Order on Hearing. Unless otherwise ordered by the Court, immediately following each hearing, an order reflecting the ruling of the Court shall be presented for signature.

[Adopted effective September 1, 2004]

LFLR 7. UNIFIED FAMILY COURT.

(a) Purpose of Unified Family Court. The purpose of the Unified Family Court (UFC) is to promote effective judicial management of cases involving the health and welfare of children, and to facilitate the prompt resolution of these cases.

(b) UFC Case Manager. The role of the UFC case manager is to provide coordination and monitoring of case progress and compliance with court-ordered services. The UFC case manager may summarize the contents of the various court files for use by the commissioners and judges. All information summaries provided to the court will also be provided to all parties either orally or in writing.

(c) Referral to UFC. Referrals for UFC case management may be made by any judicial officer, the parties or attorneys, Court Appointed Special Advocates, Family Court Services, Department of Social and Health Services (DSHS), domestic violence advocates, juvenile probation officers, family law facilitators, or other persons involved with a family. If a case is accepted for UFC case management, all pending juvenile and family law cases concerning the family and the children, except for juvenile offender matters, will be transferred to UFC and managed together as a case group.

(d) UFC Case Area Designations (UFS or UFK). Each case accepted for UFC case management will have its original case area designation (SEA or KNT) changed upon acceptance to UFC; SEA will be changed to UFS and KNT will be changed to UFK. The Order on Acceptance to Unified Family Court will include an order changing the designation for all associated cause numbers to UFS or UFK. All parties shall use the new case area designation (UFS or UFK) on all pleadings or orders filed after the date of acceptance for UFC case management.

(e) Planning Conference. If the UFC case manager believes a planning conference would assist the court in managing the case, a planning conference will be set. At the planning conference, the court will address administrative issues that affect case management, including but not limited to issues such as consolidation of various pending matters, coordination of case

schedules, use of alternative dispute resolution; evaluations needed for trial or hearings, compliance with evaluations or services previously ordered, and discovery.

(f) Motions. Motions in a UFC case shall be scheduled and heard in conformance with the Order on Acceptance to Unified Family Court.

(g) Termination of UFC case management. A case will no longer receive court supervision or case management upon the signing of an order terminating UFC case management. The case area designation of UFS or UFK will not be changed upon termination of UFC case management services. Any motions filed after the entry of an order terminating UFC case management shall be scheduled and heard in accordance with these rules in general, including LFLR 5.

[Adopted effective September 1, 2004]

LFLR 8. MOTIONS FOR EX PARTE RESTRAINING ORDERS.

(a) Applicability. This rule applies to motions for temporary restraining orders (also known as Ex Parte Restraining Orders) entered on an emergency basis to prevent immediate injury, loss or damage. See also CR 65. This local rule does not apply to domestic violence protection orders entered under Chapter 26.50 RCW.

(b) Notice of Motion. The party asking for an Ex Parte Restraining Order (the moving party) shall give prior written or oral notice to the attorney for the opposing party or, if unrepresented, to the opposing party. The moving party or attorney shall certify to the court in writing the efforts which have been made to give notice to the opposing party. Such notice is required in all cases unless the moving party clearly shows by sworn declaration that immediate injury, loss or damage will result if notice is given.

(c) Where Presented. The moving party shall present the Motion for Ex Parte Restraining Order and Order to Show Cause in the Ex Parte Department.

(d) Return Hearing. The Order to Show Cause shall schedule a return hearing to review the Ex Parte Restraining Order on the Family Law Motions Calendar. All requirements of LFLR 6 shall apply.

(e) Duration and Extension of Ex Parte Restraining Order. The return hearing shall be held no more than fourteen (14) days from entry of the Ex Parte Restraining Order, unless the Court extends this deadline for good cause, such as to allow time to comply with the notice requirements of LFLR 6.

(f) Motion to Quash Ex Parte Restraining Orders Entered Without Notice. Unless otherwise directed by the court, a party seeking to quash an Ex Parte Restraining Order entered without notice shall present the motion to the Ex Parte Department, giving the notice required by CR 65(b).

[Adopted effective September 1, 2004]

LFLR 9. COMMENCEMENT OF NONPARENTAL CUSTODY PROCEEDINGS.

An action for custody of a child brought by a non-parent is commenced by a summons

and petition under a new cause number and may not be commenced under an existing dissolution, paternity or other case. Upon filing, the Clerk's Office will issue a case schedule. The petitioners must obtain a Washington State Patrol and Child Protective Services (CPS) background check on themselves and all adult household members. The King County local form order for obtaining a CPS background check, available from the Clerk's office or at www.metrokc.gov/kcscc, shall be used. Petitioners must also obtain an Order finding Adequate Cause before the date specified in the Case Schedule and attend a mandatory case review hearing. See Chapter 26.10 RCW, these rules and the Order Issuing Case Schedule for other requirements.

[Adopted effective September 1, 2004]

LFLR 10. FINANCIAL PROVISIONS.

(a) When Financial Information is Required.

(1) Each party shall complete, sign, file, and serve on all parties a financial declaration for any motion, trial, or settlement conference that concerns the following issues:

(A) Payment of a child's expenses, such as tuition, costs of extracurricular activities, medical expenses, or college;

(B) Child support or spousal maintenance; or

(C) Any other financial matter, including payment of debt, attorney and expert fees, or the costs of an investigation or evaluation.

(2) A party may use a previously-prepared financial declaration if all information in that declaration remains accurate.

(3) Financial declarations need not be provided when presenting an order by agreement or default.

(b) Supporting Documents to be filed with the Financial Declaration. Parties who file a financial declaration shall also file the following supporting documents:

(1) Pay stubs for the past six months. If a party does not receive pay stubs, other documents shall be provided that show all income received from whatever source, and the deductions from earned income for these periods;

(2) Complete personal tax returns for the prior two years, including all Schedules and all W-2s;

(3) If either party owns an interest of 5% or more in a corporation, partnership or other entity that generates its own tax return, the complete tax return for each such corporation, partnership or other entity for the prior two years;

(4) All statements related to accounts in financial institutions in which the parties have or had an interest during the last six (6) months. "Financial institutions" includes banks, credit unions, mutual fund companies, and brokerages.

(5) If a party receives or has received non-taxable income or benefits (for example, from a trust, barter, gift, etc.), documents shall be provided that show receipts, the source, and any deductions for the last two (2) years.

(6) Check registers shall be supplied within fourteen (14) days if requested by the other party.

(7) If a party asks the court to order or change child support or order payment of other expenses for a child, each party shall also file completed Washington State Child Support Worksheets.

(8) For additional requirements for a Settlement Conference, see LFLR 16.

(c) Documents to be filed under Seal. Tax returns, pay stubs, bank statements, and the statements of other financial institutions should not be attached to the Financial Declaration but should be submitted to the clerk under a cover sheet with the caption "Sealed Financial Source Documents". If so designated, the Clerk will file these documents under seal so that only a party to the case or their attorney can access these documents from the court file without a separate court order.

[Adopted effective September 1, 2004]

LFLR 11. SEALED AND CONFIDENTIAL COURT RECORDS.

(a) Court Records Are Generally Public. Documents filed with the court will in most cases be available for public inspection and copying and for all cases filed beginning 1/1/2000 are maintained in electronic format. Only a document or court file type that is specifically sealed by law, court rule, or court order will be unavailable for public inspection and copying.

(b) Some Documents Subject to Restricted Access. The following documents, if properly identified by the person filing the documents, will be sealed by the Clerk without a court order: income tax returns and schedules, W-2 forms, wage stubs, credit card statements, financial institution statements, and check registers. See also GR 22. These records should only be filed by first attaching the "Sealed Financial Source Documents" cover sheet (Mandatory Form No. WPF DRPSCU-09.0220) and writing the word "SEALED" on the first page of each attachment. Only those documents allowed by GR 22 may be filed under the "Sealed Financial Source Documents" cover sheet without first obtaining a court order to seal the document.

(c) Identifying Information to be removed. Except for documents that are automatically sealed or where the following information is essential to a determination, parties shall black out social security numbers, driver's license numbers, telephone numbers, children's dates of birth, and all but the last four digits in account numbers, in documents filed with the court.

(d) Requirements for Orders Sealing Records.

(1) Motion and Declaration required. The proposed order, even if agreed, must be accompanied by a motion and declaration or affidavit demonstrating a basis for the order consistent with GR 15(c) and Article I, Sec. 10, Washington State Constitution. See also GR 22. See LFLR 5(c) with respect to where to present a motion to seal a file.

(2) Form of Order to be used. An order to seal a court record must be made using the local form approved by the court available from the Clerk's office or website (http://www.metrokc.gov/kcscc) and may not be combined with any other order. The order shall either state that the Clerk's Office is directed to seal the entire court record or shall designate the specific documents to be sealed.

[Adopted effective September 1, 2004]

LFLR 12. DOMESTIC VIOLENCE PROTECTION ORDERS.

(a) Applicability. This rule applies to all petitions for domestic violence protection orders brought pursuant to the Domestic Violence Prevention Act, whether filed separately or under another cause of action.

(b) Mandatory Forms. The parties shall utilize any applicable local and state mandatory forms, including form Orders. Forms are available from the King County Clerk's Office, the Protection Order Advocate's Office, and www.metrokc.gov/kcscc.

(c) Return Hearing. Every Temporary Order of Protection or Order of Modification entered without notice shall set a return hearing on the family law calendar on such notice as prescribed in Chapter 26.50 RCW. At the hearing, both parties may testify and the court may consider other relevant evidence. Copies of any writings or other documentary evidence provided to the court must be provided to the other party's attorney. If the other party is not represented, the copies should be handed to either courtroom staff or a domestic violence advocate in the courtroom with a request that they provide the copies to the other party.

[Adopted effective September 1, 2004]

LFLR 13. PARENTING PLAN AND CHILD CUSTODY PROCEDURES.

(a) Information Required. In child custody, visitation, or parenting plan disputes, each party shall submit the following information:

(1) A proposed custodial or visitation plan or parenting plan, except in actions brought under Chapter 26.10 RCW.

(2) If not in the verified petition, a Uniform Child Custody Jurisdiction Enforcement Act Declaration and Declaration Regarding Other Proceedings, which must be timely supplemented throughout the pendency of the proceedings.

(b) Referral for Mediation, Evaluation, and Investigation.

(1) Mandatory Mediation. All parties to parenting plan, custody or visitation disputes shall participate in some form of alternative dispute resolution, such as mediation, unless waived by court order for good cause. See also LFLR 16.

(2) Investigation by Professionals. In all parenting plans, custody and visitation cases not resolved by mediation or other dispute resolution process, the matter may be referred to Family Court Services or other suitable person or agency for investigation upon motion or by stipulation. When so referred, a report shall be provided in writing to the Court and the parties in advance of trial.

(3) Evaluations. The Court may, upon motion, order a mental health evaluation or physical examination when appropriate. The issues of costs shall be addressed in the order.

(4) Child Advocate.

(A) Appointment. Upon motion of the parties or on the Court's own motion, the Court may appoint a child advocate who may be a Guardian ad Litem, A Court Appointed Special Advocate, or an attorney for the child. See also KCLGALR 1-7. The order shall designate the appointee, the duties, and make provision for the payment of fees.

(B) Notice. From the date of the appointment, the child advocate shall receive copies of all documents that are to be served on parties, copies of all discovery, and notice of all hearings, presentations and trials.

(C) Discharge. Unless otherwise set forth in these rules, the child advocate shall be discharged only by order of the Court upon motion or upon completion of the case when final orders are filed with approval of the appointed child advocate.

(5) Costs of Mediation, Evaluation or Investigation. Unless waived pursuant to an in forma pauperis petition, the parties shall pay the costs of a Family Court Services mediation or investigation based upon their incomes on a sliding scale basis. The costs of a private mediator, investigator, evaluator or child advocate shall be apportioned between the parties based on their income and resources or as otherwise ordered. Except as otherwise agreed, the fees of a child advocate or evaluator shall be set by the Court.

(c) Seminar for Parenting Plans.

(1) Applicability. This rule applies to all cases filed under Chapters 26.09 RCW, 26.10 RCW, and 26.26 RCW related to custody, visitation, or parenting of minor children, including dissolutions of marriage, legal separations, major modifications, nonparental custody actions, and parentage actions in which parentage has been established. This rule does not apply to modification cases based solely upon relocation. In the case of parentage actions initiated by the Prosecuting Attorney's Office, the Seminar for Parenting Plans shall be required only after an order establishing parentage has been entered and a parenting plan is requested.

(2) Parenting Seminars; Mandatory Attendance. In all cases referred to in Section (1) above, both parents and such other parties as the court may direct shall participate in and successfully complete an approved parenting seminar within sixty (60) days after service of a petition on the responding party. Successful completion shall be evidenced by a certificate of attendance filed with the court by the provider agency.

(3) Special Considerations/Waiver.

(A) In no case shall opposing parties be required to attend a seminar together.

(B) Upon showing of domestic violence, abuse, safety concerns, or 26.09.191 allegations, or that a parent's attendance at a seminar is not in the children's best interest, the court shall either:

waive the requirement of completion of the seminar; or
provide an alternative Seminar For Parenting Plans.

(C) The court may waive the seminar requirement for one or both parents in any case for good cause shown.

(4) Failure to Comply. Delay, refusal or default by one parent does not excuse timely compliance by the other parent. Unless attendance at the seminar is waived, a parent who delays beyond the 60 day deadline, or who otherwise fails or refuses to complete the parenting seminar, shall be precluded from presenting any final order affecting the parenting/residential plan or finalizing the parenting plan in this action, until the seminar has been successfully completed. The court may also refuse to allow the non-complying party to seek affirmative relief in this or subsequent proceedings until the seminar is successfully completed. Willful refusal or delay by either parent may constitute contempt of court and result in sanctions imposed by the court, or may result in the imposition of monetary terms, default, and/or striking

of pleadings.

(5) Finalizing Parenting Plans. All parties are required to attach to their proposed Final Parenting Plan a true and accurate signed and dated copy of the certificate of completion of the Seminar For Parenting Plans. No final parenting plan shall be entered without said certificate or a court order waiving attendance.

(6) Fee. Each party attending a seminar shall pay a fee charged by the provider and sanctioned by the court. The court may waive the fee for indigent parties.

(d) Permanent Parenting Plan, Custody or Visitation Modifications.

(1) Starting an Action to Modify a Permanent Parenting Plan.

(A) This rule applies to actions to modify final parenting plans, and final custody or visitation orders, except for adjustments related to the relocation of a child. See LFLR 15 for proceedings involving relocation of a child.

(B) The moving party shall attach to the petition a copy of the current parenting plan and all other effective orders affecting parenting, custody, and visitation. Copies of any orders which were entered outside King County shall be certified.

(2) Adequate Cause Hearing.

(A) Adequate Cause Requirement. A threshold determination of adequate cause is required for any modification or adjustment of a final parenting plan, whether major, minor, residential or non-residential in nature. An order of adequate cause may be entered by agreement of the parties, by default, or after an adequate cause hearing. This rule does not limit the Court's authority under Chapter 26.50 RCW.

(B) Timing of Adequate Cause Hearing: The adequate cause hearing may not be heard before the deadline for filing the response to the petition has passed. All requirements of LFLR 6 shall apply to the adequate cause hearing.

(C) Finding of Adequate Cause: If adequate cause is found, the matter shall remain scheduled for trial. A copy of the Adequate Cause Order shall be attached to the Confirmation of Issues.

(3) Entry of Temporary Orders.

(A) Types of Temporary Orders. Once a finding of adequate cause has been found, the court may enter temporary orders, including but not limited to: a temporary parenting plan, a referral for mediation, investigation, or evaluation; appointment of an evaluator, attorney for the child or Guardian ad Litem; or a referral to Unified Family Court.

(B) Combined with Adequate Cause Hearing. A party may, but is not required to, schedule motions for temporary orders for the same time as the adequate cause hearing. Any party seeking the entry of temporary orders at the adequate cause hearing must make that request by motion pursuant to the format and notice requirements of LFLR 6.

(C) Emergency Temporary Orders. For good cause shown, any party may move for emergency temporary orders at any time, including prior to the finding of adequate cause.

[Adopted effective September 1, 2004]

LFLR 14. CHILD SUPPORT AND SPOUSAL MAINTENANCE MODIFICATIONS AND ADJUSTMENTS.

(a) Scope of This Rule.

(1) This rule applies child support and spousal maintenance adjustments that are brought independently from a petition to modify a parenting plan, or child custody or visitation order. This rule does not apply to support modifications that are based on a substantial change of circumstances if there is a pending proceeding to modify a parenting plan, or child custody or visitation order.

(2) In cases where a modification of a parenting plan, child custody, or visitation has been resolved, the court may transfer the support issues to the Trial by Affidavit Calendar, and this rule will then apply.

(3) A child support adjustment, which merely implements a periodic adjustment clause in an Order of Child Support or is limited to the relief authorized by RCW 26.09.170(9) and (10), shall be brought on the Family Law Motions Calendar under LFLR 6. Each party must also follow LFLR 10.

(4) In a Child Support modification proceeding, the court may grant relief limited to the scope of a child support adjustment, if the case does not meet the requirements for a modification but does meet the requirements for an adjustment.

(b) Support Modification Proceedings.

(1) Documents Required to Be Served and Filed

(A) Documents Required from Petitioner. A party petitioning for modification of child support or spousal maintenance shall file and serve upon all other parties the Summons and Petition, a completed Financial Declaration, child support worksheets (if applicable), and the financial documents specified in LFLR 10. The petitioning party shall serve the other party a copy of the Order Setting Case Schedule (issued by the Clerk) with the Summons. If the existing support order was not issued by King County Superior Court, a certified copy of the order must be filed with the Petition.

(B) Documents Required from Responding Parties. Each responding party shall file and serve a Response to Petition, a completed Financial Declaration, child support worksheets (if applicable), and the financial documents specified in LFLR 10, by the deadline established by service of the Summons.

(c) Motions.

(1) All pre-trial motions relating to support-only modifications, including motions to change the trial date, to permit testimony, or relating to discovery, shall be decided on the Trial by Affidavit Calendar without oral argument. Motions shall be noted for hearing fourteen (14) or more days in advance. The procedure for such motions shall conform to LR 7 and LFLR 6 to the extent not inconsistent with this rule. There is no requirement to confirm such motions. Motion documents shall be filed with the Clerk, with an additional copy marked "working papers" delivered to the Trial by Affidavit mailbox in the mailroom of the Courthouse where the matter will be heard.

(2) Motions to Permit Live Testimony.

(A) Testimony is ordinarily in the form of declarations and affidavits. Oral argument is allowed at all trials by affidavit. A party seeking permission to present live testimony at the time of the trial by affidavit (in addition to oral argument) must file a motion with a supporting declaration setting forth the reasons why live testimony is necessary. The

motion and supporting documents shall be noted, filed and served not later than the deadline set forth in the case schedule.

(B) The supporting documents must demonstrate the extraordinary features of the case warranting live testimony. Factors which may be considered include: substantial questions of credibility on a major issue, insufficiency or inconsistency in discovery materials not correctable by further discovery, or particularly complex circumstances requiring expert testimony.

(C) A Motion to Permit Testimony may not be entered by stipulation. If the motion is granted, a hearing will be set.

(3) Motions for Temporary Orders. Motions for Temporary Support Orders will not ordinarily be considered in support-only modification proceedings. Exceptions may apply in exigent circumstances, such as when there has been a change in residential care, a party has requested a continuance of the trial date, or when the lack of a temporary order would substantially prejudice a party. A motion for temporary support shall be noted on the Family Law Motions Calendar; the court in its discretion may also consider an oral motion for temporary support at the time of the support modification trial where the matter is being continued for reasons unrelated to the conduct of the party requesting the temporary support order.

(d) Method of Disposition of Support Modification Proceedings.

(1) Trial by Affidavit. The trial of support-only modification petitions shall be heard on affidavits, declarations, pleadings, and discovery materials obtained pursuant to CR 26-37, unless the court authorizes live testimony pursuant to a motion brought under LFLR 14(c)(2) above.

(2) Proposed Orders. The petitioning party is obliged to provide proposed findings of fact and conclusions of law, child support worksheets, and orders to the other parties and the court not later than the time of trial. The proposed orders shall not be filed with the clerk. If the petitioner is not present and has not presented proposed orders, the matter may be dismissed.

(3) Judicial Officer Presiding. Unless otherwise assigned by the court, support-only modification trials shall be heard on the Trial by Affidavit Calendar by a Family Law Commissioner.

(4) Affidavits of Prejudice Not Recognized. See LR 40(g).

(5) Independent Proceedings. Except as otherwise stated, Petitions for Modification of Support shall proceed as original determinations, with no threshold or adequate cause hearing required.

(6) Arbitration. The parties may stipulate to arbitrate the issues in the petition pursuant to the state and local Mandatory Arbitration Rules. The stipulation must be in writing, in a form as prescribed by the Court. The stipulation must state whether the issues will be handled by private arbitration or will be submitted to the King County Arbitration Department for assignment of an arbitrator.

(A) Motions for Temporary Relief. Once an arbitrator has been appointed, all motions shall be decided by the arbitrator.

(B) Appeals from Arbitration. Requests for a trial de novo from the decision of an arbitrator shall be heard on the Trial by Affidavit Calendar.

(7) Trial by Affidavit Procedure. Parties shall file the originals of all documents to be considered with the Clerk. Settings on the Trial by Affidavit Calendar must be confirmed by the delivery of a copy of these materials to the Trial by Affidavit mailbox at the courthouse where the matter will be heard by the deadline in the case schedule. Each party to the proceeding will have a maximum of ten (10) minutes, including rebuttal, to present oral argument to the court. No new evidence may be offered at the time of trial unless stipulated by the parties or authorized by the court for good cause shown. Parties may attend the trial by telephone, provided that prior arrangements have been made with the court. A party is not obligated to attend the hearing.

(8) Procedure on Default.

(A) Default Procedures. See LFLR 5(c)(9).

(B) Failure of a responding party to be present in person or by counsel at the time of trial shall not constitute a default, as the presentation of oral argument is optional. If counsel or a pro se party is not present, the court will decide the matter based upon the working papers and the oral argument of those present.

[Adopted effective September 1, 2004]

LFLR 15. RELOCATION OF CHILDREN.

(a) Notice Required. Where a parenting plan or custody order has been entered, a parent seeking to relocate a child outside of his or her school district shall provide notice in accordance with RCW 26.09.430-440. A parent objecting to relocation shall file and serve the form Objection to Relocation/Petition for Modification (DRPSCU 07.0700). If the objecting party is seeking to restrain an immediate move, that party shall file and serve a motion in accordance with LFLR 5 within fifteen (15) days of the filing of the Objection to Relocation/Petition for Modification.

(b) Presentation of Proposed Parenting Plan. In the absence of an objection, but no earlier than thirty (30) days after the relocating party has served a proposed parenting plan on the person entitled to residential time with the children, any party to the relocation action may present the relocating party's proposed parenting plan to the Ex Parte Department for entry.

(c) Motion for Default. If a response to an objection to relocation is not filed within the deadline for filing, a motion for default may be presented to the Family Law Department motions calendar upon fourteen (14) days notice.

(d) Motions for Temporary Orders. Motions for temporary orders shall not be heard until the deadline for filing an objection to relocation has passed, unless exigent circumstances require immediate relief.

(e) Concurrent actions. If a petition for dissolution or modification is already pending at the time a notice of intent to relocate is served and if the objecting party serves an Objection to Relocation/Petition for Modification, that action shall be assigned to the same judge assigned to hear the initial action and no new case schedule shall issue. If, after the filing of an Objection to Relocation/Petition for Modification, a party seeks to modify the parenting plan pursuant to RCW 26.09.260, the modification action shall be assigned to the same judge who is assigned the

relocation action and a modification case schedule shall be issued which shall govern both actions. A party who seeks to amend the case schedule based on the filing of the second action shall note a motion pursuant to LR 7(b) with the assigned trial judge.

(f) Mediation/Alternative Dispute Resolution. The parties shall participate in mediation or some other form of alternative dispute resolution before trial unless waived by court order.

[Adopted effective September 1, 2004]

LFLR 16. ALTERNATIVE DISPUTE RESOLUTION (ADR).

(a) Alternative Dispute Resolution Required. Except in cases involving domestic violence, the parties in every case shall participate in a settlement conference, mediation or other alternative dispute resolution process conducted by a neutral third person no later than thirty (30) days before trial.

(b) Attendance at the Alternative Dispute Resolution Proceeding. All parties and their attorneys, if any, shall personally attend and participate in all alternative resolution proceedings and shall come prepared to discuss all unresolved issues.

(c) Required materials. Proposed final orders, a financial declaration and, if parenting is at issue, a proposed parenting plan, as well as any other materials requested by the neutral third person must be provided to the neutral third person and all parties no later than two (2) working days before the day scheduled for the conference. The materials are not to be filed with the Clerk. When the division of property or debt is at issue, the parties shall provide a table listing all their property and debt substantially the following format:

Description of Property	*Community or Separate?*	*Gross and Net value*	*Amount owed/Cost of Sale*	*Award to husband or wife?*

Description of Debt	*Community or Separate?*	*Amount owing*	*Post-Separation?*	*Award to husband or wife?*

Totals: Property to Wife $_____
Property to Husband $_____
Debt to Wife $_____
Debt to Husband $_____
Other Requests: _____
The above property and debt distribution is proposed by: _____
Signature: _____ *Date:* _____

(d) Duty of good faith. Each party is under an obligation to act in good faith in an

attempt to resolve the issues without the need for trial. Failure to act in good faith or failure to abide by the provisions of this rule may result in the imposition of sanctions by the assigned judge.

[Adopted effective September 1, 2004]

LFLR 17. CONTEMPT AND OTHER ENFORCEMENT ACTIONS.

(a) Civil Contempt Proceedings. See also Chapter 7.21 RCW (regarding general contempt of court), RCW 26.18.050 (regarding failure to pay support or maintenance), and RCW 26.09.160 (parenting plan contempt).

(1) Contempt proceedings shall be started by presenting and obtaining an Order to Show Cause re Contempt from the Ex Parte Department, accompanied by a Motion and Declaration for Order to Show Cause Re Contempt and a copy of the order that is alleged to have been violated. The hearing on the contempt proceeding shall be scheduled on the Family Law Motions Calendar in accordance with LFLR 6.

(2) Unless otherwise ordered, a copy of the Order to Show Cause and all supporting documents shall be personally served upon the person alleged to be in contempt. A copy of these documents must also be delivered to that person's attorney, if any, the Family Law Motions coordinator, and all other parties to the action, including any Guardian Ad Litem. All provisions of LFLR 6 shall apply.

(3) If the person alleged to be in contempt is properly served and fails to appear for the Show Cause hearing, the court may grant an order to issue a warrant. The party requesting contempt must deliver the original order and proposed warrant to the Clerk's Office. Upon the Clerk's issuance of the warrant, the party requesting contempt must then deliver the warrant to the King County Sheriff's office at the Courthouse.

(4) If a warrant is issued and the person alleged to be in contempt is arrested, a "Return on Warrant" hearing will be held the next court day following the arrest on the Family Law Motions Calendar at 1:30 p.m. Except in cases where the warrant was requested by the State, the court will arrange for the arrested party to be transported to the hearing from the jail. If the arrested party has posted bail and has been released from jail, that party shall appear in court at 1:30 p.m. on the next court day.

(b) Other Enforcement Actions. See Chapter 26.23 RCW regarding enforcement of child support orders by the Washington State Support Registry and the Division of Child Support; Chapter 6.27 RCW regarding garnishments; and RCW 26.09.120, RCW 26.23.050 and RCW 26.18.070 regarding wage assignments. See CR 69 and LR 69 regarding Supplemental Proceedings.

[Adopted effective September 1, 2004]

XV. LOCAL CRIMINAL RULES (Cite as LCrR)

LCrR 0.1 GRAND JURY

A grand jury shall be under the direct charge and supervision of the Judge, or Judges, to whom the Court may assign that duty by a majority vote of the Judges.

LCrR 0.2 COMMISSIONERS

When so assigned by the Presiding Judge or the Chief Criminal Judge for Seattle case assignment area cases and the Chief RJC Judge for Kent case assignment area cases, commissioners may preside over arraignments, preliminary appearances, initial extradition hearings, noncompliance hearings pursuant to RCW 9.94A.200, accept guilty pleas, appoint counsel, make determinations of probable cause, set and review conditions of pretrial release, set bail, set trial and hearing dates, and hear continuance motions.

[Adopted effective September 1, 2001; amended effective September 1, 2003]

LCrR 1.1 LOCAL PROCEDURES

The current procedures for handling and processing criminal cases in King County Superior Court will be issued by the Presiding Judge and copies will be available in the Presiding Department and from the courtroom of the Chief Criminal Judge in Seattle and from the courtroom of the Chief RJC Judge in Kent.

[Amended effective September 1, 2001; September 1, 2003]

LCrR 2.2 WARRANT UPON INDICTMENT OR INFORMATION

(b) Issuance of Summons in Lieu of Warrant.

(1) When Summons Must Issue. Absent a showing of cause for issuance of a warrant, a summons shall issue for a person who has been released on personal recognizance by a magistrate by the exercise of discretion on the preliminary appearance calendar. The person shall be directed to appear on the arraignment calendar.

(g) Information to Be Supplied to the Court. When a charge is filed in Superior Court and a warrant is requested, the court shall be provided with the following information about the person charged:

(1) The pretrial release interview form, if any, completed by either a bail interviewer or by the defense counsel.

(2) By the prosecuting attorney, insofar as possible.

(A) A brief summary of the alleged facts of the charge;
(B) Information concerning other known pending or potential charges;
(C) A summary of any known criminal record;
(D) Any other facts deemed material to the issue of pretrial release;
(E) Any ruling of a magistrate at a preliminary appearance.

[Amended effective September 1, 2001]

LCrR 3.1 RIGHT TO AND ASSIGNMENT OF COUNSEL

(f) Services Other Than Counsel. Pursuant to the authority under CrR 3.1(f), all requests and approval for expert services expenditures are hereby delegated to the King County Office of Public Defense.

[Effective January 1, 1996]

LCrR 3.2 PRETRIAL RELEASE

(a) Personal Bond; Ten Percent Deposit.

(1) Whenever bond has been set, either by use of a bail schedule, or by order in an individual case, unless the court order setting bond specifically provides to the contrary, the bond requirement may be met by deposit in the registry of the court in cash of a sum equal to ten percent of the amount of the bond and by the filing of a personal appearance bond in a form provided by the court.

(2) The appearance bond shall obligate the defendant to appear for all required court hearings and for trial and to keep a correct address and phone number on file with the court.

(3) Failure to comply with the obligations of the appearance bond without just cause will result in:

(A) Liability for the entire amount of the bond; and

(B) Forfeiture of the cash posted.

(4) Failure to comply with those obligations without just cause will also constitute grounds for imprisonment pending trial.

(5) The cash deposit will be returned to the person who posted the bond upon a showing that the defendant has fulfilled the conditions of the bond and upon presentation of an order showing the defendant has fulfilled the conditions and exonerating bond.

[Amended effective September 1, 2001]

LCrR 4.5 OMNIBUS HEARINGS

(d) Motions. All rulings of the Court at omnibus hearings or otherwise made in the criminal motion department shall be binding on the parties and shall not be relitigated at trial.

(i) Waiver. If there will be no pretrial motions or hearings in a case, and all parties agree that an omnibus hearing would not be beneficial, waiver of the hearing may be requested by written stipulation on a form provided by the Court. Such a request constitutes an assurance that the parties will be ready to begin jury selection immediately on the morning of trial.

(j) Preparation. Discovery shall be completed to the extent possible during the plea bargaining period following initial arraignment. The parties shall have completed and furnished to the criminal motion Judge and to counsel copies of their respective omnibus applications before the hearing.

LCrR 4.11 VIDEO CONFERENCE PROCEEDINGS

(a) Criminal. Preliminary appearances as defined by CrR 3.2(b) and CrRLJ 3.2.1(d), arraignments as defined by CrR 3.4 and 4.1 and CrRLJ 3.4 and 4.1, bail hearings as defined by CrR 3.2 and CrRLJ 3.2, and trial settings, as defined by CrR 3.3 and CrRLJ 3.3(f), conducted via video conference in which all participants can simultaneously see, hear, and speak as authorized by the Court, shall be deemed held in open court and in the defendant's presence for the purposes of any statute, court rule, or policy. All video conference hearings conducted pursuant to this rule shall be public, and the public shall be able to simultaneously see and hear all participants and speak as permitted by the trial court Judge. Any party may request an in-person hearing which may, in the Judge's discretion, be granted.

(b) Agreement. Other trial court proceedings may be conducted by video conference only by agreement of the parties either in writing or on the record and upon the approval of the Judge.

(c) Standards for Video Conference Proceedings. The Judge, counsel, all parties, and the public attending the hearing must be able to see, hear, and speak as authorized by the Court during proceedings. Video conference facilities must provide for confidential communications between attorney and client and security sufficient to protect the safety of all participants and observers. In interpreted proceedings, the interpreter should be located next to the defendant, and the proceeding must be conducted to assure that the interpreter can hear all participants.

[Effective September 1, 1996]

LCrR 5.1 COMMENCEMENT OF ACTIONS; CASE ASSIGNMENT AREA

(d) Location for Court Proceedings for Criminal Cases Filed in King County; Filing of Documents and Pleadings and Designation of Case Assignment Area.

(1) Designation of Case Assignment Area. Each criminal case filed in the Superior Court shall be accompanied by a designation of the Case Assignment Area.

(2) Boundaries of Case Assignment Areas. For purposes of this rule King County shall be divided into case assignment areas as follows:

(A) Seattle Case Assignment Area. All of King County north of Interstate 90 and including all of the Interstate 90 right-of-way; all of the cities of Seattle, Mercer Island, Bellevue, Issaquah and North Bend; the unincorporated areas of King County Sheriff's Precinct 4; and including all of Vashon and Maury Islands.

(B) Kent Case Assignment Area. All of King County south of Interstate 90 except those areas included in the Seattle Case Assignment Area.

(C) Change of Area Boundaries. The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

(3) Standards for Case Assignment Area Designation, and Revisions Thereof.

(A) Case Assignment Area Designated by Prosecuting Attorney. The indictment or information filed with the Clerk shall contain the Case Assignment Area

designation of the case.

(B) Standard for Designation. Except as provided in Section (C) below, the Prosecuting Attorney shall assign the case to the Case Assignment Area where the offense is alleged to have been committed.

(C) Exceptions to Standard Designation.

(i) The Prosecuting Attorney may designate a case assignment area different than provided in (B) above:

a) Where the location of the offense within the county cannot be easily ascertained or the offense was committed in more than one area of the county;

b) Where multiple offenses charged were committed in more than one area of the county;

(ii) The following case categories shall be designated to the Seattle Case Assignment Area:

a) Fugitives from justice.

b) Appeals in criminal cases from courts of limited jurisdiction.

c) Cases accepted into Drug Court.

(iii) When a defendant has an action pending, any new action filed against that defendant shall be assigned to the same case assignment area as the pending case.

(D) Improper Designation/Lack of Designation. The designation of the improper case assignment area shall not be a basis for dismissal of any action.

(E) Assignment or Transfer on Court's Motion. The Court on its own motion or on the motion of a party may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

(F) Motions by Party to Transfer. Motions to transfer court proceedings from one case assignment area to another shall be made in writing, with proper notice to all parties. Motions to transfer shall generally be heard prior to trial setting only. All cases shall proceed in the original case assignment area until an order of transfer is entered.

(G) Venue Not Affected. This rule shall not affect whether venue is proper in any Superior Court facility in King County.

(H) Pre-Filing Requests for Exceptions. The Prosecutor in advance of filing a particular case, for good cause shown, may apply ex parte to the Chief Criminal Judge for an exception to the normal case assignment area.

(4) Where Pleadings and Documents Filed. Pleadings and documents in paper form for any criminal action in King County shall be filed with the Clerk of the Superior Court at the court facility in the case assignment area of the case. Documents filed in electronic form, pursuant to GR 30, must be filed in a manner prescribed by the Clerk. Service of documents on the Prosecuting Attorney and the defendant's attorney shall be made at the office of the Prosecutor and defense attorney located in the case assignment area of the case at the time of service.

(5) Inclusion of Case Assignment Area Code. All pleadings and documents shall contain after the cause number the case assignment area code. The Clerk may reject pleadings or

documents that do not contain this case assignment area code.

[Adopted effective June 1, 1996; amended effective September 1, 2001; December 1, 2001; September 1, 2004]

LCrR 7.1 PRESENTENCE INVESTIGATION

(a) When Required; Time of Service. Unless otherwise directed by the court, in all cases where a person is to be sentenced for commission of a felony, the prosecuting attorney and the defendant's attorney shall, not less than three days before the sentencing date, serve a copy of his/her presentence report upon the opposing party and the original to the sentencing judge. The Department of Corrections shall serve a copy of its report when ordered upon the prosecuting attorney and the defense attorney and the original to the sentencing judge not less than three days before the sentencing date.

(b) Penalties for Violation. A violation of this rule may result in the refusal of the court to proceed with the sentencing until after reports have been filed as directed herein, and in the imposition of terms; or the court may proceed to impose sentence without regard to the violation.

(c) Working Copies. Any party requesting that the court impose an exceptional sentence shall serve a working copy of the proposed findings in support of the request for an exceptional sentence to the court and opposing counsel no later than seven days before the date scheduled for sentencing.

[Amended effective September 1, 2001; September 1, 2002]

LCrR 9.1 IN FORMA PAUPERIS-APPEAL-COURT REPORTER LOG

The Motion for Order of Indigency shall contain the names and dates of appearance for all court reporters who recorded sessions for which authorization for transcription is requested.

[Adopted effective September 1, 1999]

XVI. LOCAL JUVENILE COURT RULES
(Cite as LJuCR)

TITLE II. SHELTER CARE PROCEEDINGS

LJuCR 2.0 RIGHT TO APPOINTED COUNSEL

(a) Appointment. A child's parent, legal guardian, or legal custodian has the right to be appointed an attorney, if qualified on the basis of indigency, as provided in RCW 13.34.090. The Court shall not appoint an attorney for any parent, legal guardian, or legal custodian not present at a hearing unless the Court makes a specific finding that a compelling reason for such appointment exists. Representation by a Court appointed attorney for a parent, legal guardian, or legal custodian in a dependency proceeding is limited by the provisions of these rules and the notice set forth in LJuCR 3.4(b).

(b) Motion for Appointment. At any point in an RCW Chapter 13.34 proceeding including proceedings for termination of parental rights or to establish dependency guardianships, a party who is not represented by an attorney may move the Court for appointment of an attorney, or referral therefor, pursuant to this rule.

(c) Demonstration of Eligibility. At any point in an RCW Chapter 13.34 proceeding, the Court may require on the motion of a party or the Court's own motion, a child's parent, legal guardian, or legal custodian to demonstrate current financial eligibility for a Court appointed attorney.

[Adopted effective March 20, 1997]

LJuCR 2.1 PLACEMENT OF CHILD IN SHELTER CARE GENERALLY

(a) Without Court Order. A child may be placed in shelter care without court order if the child has been taken into custody by a law enforcement officer pursuant to RCW 13.34.055 or RCW 26.44.050.

(b) With Court Order. A child may be placed in shelter care with a court order if:

(1) A dependency petition has been filed pursuant to LJuCR 3.2 and a motion has been made pursuant to section (c);

(2) The child has previously been found to be dependent, is the subject of a disposition order still in effect, and a motion has been made pursuant to section (c); or

(3) A previously entered shelter care order, disposition order, or dependency review order still in effect clearly provides that the child may be placed in shelter care by the supervising agency or a law enforcement officer pursuant to such conditions or terms as may be set forth in the order.

(c) Obtaining Order to Take Child Into Custody. A request for an order to take child into custody shall be by motion supported by a statement of the facts that form the basis for the motion. The statement shall be in the form of a sworn affidavit, an unsworn declaration or testimony in open court. The Court may enter such an order if it finds reasonable grounds to believe the child is dependent and that the child's health, safety and welfare will be seriously endangered if not taken into custody.

(d) Notice To Attorneys Of Record. The party moving for an order to take a child into custody shall take all reasonable steps to provide advance notice of this motion to the attorneys of record for the parents, guardians or legal custodians of the child, or the Court Appointed Special Advocate ("CASA") or attorney appointed for the child, in all dependency proceedings presently pending before Juvenile Court. The means of notice shall be that most likely to give the earliest adequate notice, and may be verbal, by phone, facsimile machine, or any other means

reasonably calculated to provide notice to the attorney or his or her office. The motion for an order to take a child into custody shall specify what notice was given or attempted and to whom, or set forth reasons why advance notice of the motion should not or could not be given to an attorney of record or CASA. The Court may issue an order to take a child into custody without advance notice of the motion on the Court's determination that the child's health, safety, and welfare may be seriously endangered or that the child may be concealed or removed from the jurisdiction of the Court if advance notice is given.

[Effective January 2, 1994; amended effective September 1, 2005]

LJuCR 2.2 RELEASE OF CHILD FROM SHELTER CARE WITHOUT HEARING

(a) If Shelter Care Is Without Court Order. If a child is taken into shelter care by a law enforcement officer without a court order, the child shall be released unless a petition alleging dependency is filed and a shelter care hearing held within 72 hours (excluding Saturdays, Sundays, and holidays) after the child is taken into custody.

(b) If Shelter Care Is With Court Order. If a child is taken into shelter care pursuant to a court order, the child shall be released unless a shelter care hearing is held within 72 hours (excluding Saturdays, Sundays, and holidays) after the child is taken into custody.

(c) 72-Hour Hearing For A Currently Adjudicated Dependent Child. If a child at the time of placement pursuant to LJuCR 2.1 above is an adjudicated dependent child pursuant to RCW 13.34, the 72-hour hearing shall be a contested dependency review hearing and the parties may submit reports and present argument subject to such limitations as the Court may impose. The hearing shall have the same priority as any other 72-hour hearing pursuant to LJuCR 2.4(b). Such hearing may be continued pursuant to LJuCR 2.3 (e) or (f) below.

[Effective January 2, 1994.]

LJuCR 2.3 RIGHT TO AND NOTICE OF SHELTER CARE HEARING

(a) Setting of Shelter Care and Fact-Finding Hearings. The party filing a dependency petition and setting a 72-hour shelter care hearing shall at the time of filing the petition also set a second shelter care hearing to be held on the Juvenile Court "Contested Calendar" within 30 days of the 72-hour shelter care hearing and a fact-finding hearing to be held at King County Superior Court within 75 days of the filing of the petition. The Clerk of the Court shall issue a notice and summons pursuant to RCW 13.34.070 for the fact-finding hearing. In all dependency cases filed, the petitioner shall be responsible for ensuring service of the summons and notice on all necessary parties.

(b) Notice of Shelter Care Hearings. The notice of the 72-hour and 30-day shelter care hearings shall be given to the child's parents, guardians, or legal custodians as soon as reasonably possible after the child is taken into custody. Notice may be made by any means reasonably certain of notifying the parents, guardians or custodians of the child, including but not limited to written, telephone or in person communication and shall specify the time and place of the

hearing, the right to an attorney and the general allegations of the petition or motion to take child into custody. Proof of notice or of attempts to provide notice of the hearings shall be made by written declaration or affidavit and submitted for the legal file at the 72-hour hearing. Notice shall also be given to children age 12 and over and they shall be advised of their right to attend the hearings. If a child age 12 and over wishes to attend the 72-hour or 30-day shelter care hearing, the agency having custody of the child shall be responsible for arranging transportation for the child.

(c) Written Notice of Shelter Care and Fact-Finding Hearing. The petition and/or motion to take child into custody, the notice of custody and rights required by RCW 13.34.062 and the notice and summons for the fact- finding hearing shall be served on the parents, guardians or legal custodians and to any child age 12 and older as soon as reasonably possible and a receipt signed by the receiving party or a declaration or affidavit of service shall be filed in the legal file. If the notice and summons for the fact-finding hearing cannot be served on a required party prior to or at the 72-hour hearing, it must be served as soon as possible pursuant to the requirements of RCW 13.34.070 and 13.34.080.

(d) Notice to Attorneys of Record. Where there is already a previously assigned or retained attorney of record for any party, including an attorney or CASA for the child, in a dependency proceeding presently pending in Juvenile Court, they shall be provided notice of the shelter care and fact-finding hearings no later than 24 hours prior to the 72-hour shelter care hearing whenever reasonably possible.

(e) Notice to Public Defender Agencies and CASA. The petitioning party in a dependency and/or the moving party for an order to take a child into custody shall make available copies of the petition and any resultant order to the public defender office responsible for providing attorney-of-the-day services on the day of the 72-hour hearing, and CASA program as soon as they are available. The public defender office and CASA program shall be responsible for obtaining said copies.

(f) Continuances of the 72-Hour Hearing. Any person or agency entitled to such notice as set forth above may move for a continuance of the 72-hour hearing if it appears they did not receive timely notice of the hearing. A continuance may be granted by the Court under such conditions as shall ensure the safety and well-being of any child subject to the proceeding. If a child remains in the home of a parent, guardian or legal custodian, the Court may allow the parties to continue the initial shelter care hearing to a new date to be set no later than 14 days from the filing of the petition under such conditions as shall ensure the safety and well-being of any child subject to the proceedings.

(g) Subsequent Shelter Care Hearing for Unavailable Party. Whenever it appears that a parent, guardian, or legal custodian was unable to attend the initial shelter care hearing, such person may request a hearing by written application to the Court showing good cause for their inability to attend the initial hearing. Such subsequent hearing, if granted, shall be conducted within 72 hours of the request (excluding Saturdays, Sundays and holidays).

[Effective January 2, 1994; amended effective September 1, 2005.]

LJuCR 2.4 PROCEDURE AT INITIAL SHELTER CARE HEARING

(a) Representation by Counsel. Any parent, guardian and/or legal custodian of the child, or child age 12 or older, who appears at the 72-hour hearing may be represented, at this hearing, by Court-appointed counsel regardless of financial status unless the party expressly waives this right or has retained counsel.

(b) Priority of Hearing. Hearings regarding a request for emergency placement will be set in the same manner as, and given the same priority of, a 72-hour hearing.

(c) Content of Hearing. At the 72-hour hearing the Court shall:

(1) Determine whether those persons entitled to notice under RCW 13.34 and these rules have received notice of custody and rights pursuant to RCW 13.34.060 and ensure that all parties are informed of their legal rights.

(2) Receive evidence from the petitioner regarding efforts made to notify the parties to this action and determine whether additional service of process or publication of notice is necessary. Any party to this action who was personally served notice and summons of the fact-finding hearing pursuant to RCW 13.34.070 or who is present at the 72-hour hearing shall be deemed to have received timely and proper notice of the fact-finding hearing.

(3) Determine whether a CASA shall be appointed for the child.

(4) Determine whether an attorney shall be appointed or a referral to the Office of Public Defense for screening be made for any party, including the child, in accordance with the provisions of LJuCR 2.0.

(5) Consider and approve agreements pertaining to custody and services pending the 30-day shelter care hearing. The parties may enter into and submit for Court approval an agreed shelter care order. Any such order, if signed by the parent and their attorney, shall constitute sufficient record that the waiver of the 72-hour hearing is knowing and voluntary if the order contains written notice of the rights of the parties to a court hearing and waiver thereof. Agreed orders which are presented without the signature of an attorney for any party must be approved by the Court with the parties present, at which time the Court will inquire into whether the order has been signed knowingly and voluntarily.

(6) Release a child alleged to be dependent to the care, custody, and control of the child's parent, guardian, or legal custodian, unless the Court makes specific findings that the requirements of RCW 13.34.065(2) have been satisfied. The Court may order return of the child subject to specific conditions and/or provision of services.

(7) Hear such evidence as may be presented by the parties as to the issues set forth in LJuCR 2.4(c)(6) and otherwise as to the need for shelter care, consistent with the requirements of RCW 13.34.065. All parties have the right to present evidence in the form of offers of proof, affidavits, statements, testimony, and arguments in the context of the reasonable cause standard.

(8) Enter appropriate findings of fact as to whether the child and all persons with parental or custodial rights have received notice of the hearing and which of the material facts are undisputed. Notice must be given by any party moving to establish dependency at subsequent shelter care hearings upon a showing of undisputed facts sufficient to establish dependency pursuant to RCW 13.34.030(5).

(9) Enter orders of protection or temporary restraining orders or preliminary injunctions pursuant to RCW 26.44 and 26.50 as may be necessary to protect the child or the person having custody of the child, or to allow a child to remain in the family home.

(10) Order the necessary placement, conditions of visitation or contact with the child, services and other relief as necessary to protect the child's right to conditions of basic nurture, physical and mental health and safety. Specific conditions may be set by the Court to facilitate a return of the child or increased contact between parent and child, including assessments as provided by RCW 26.44.053. Upon request the Court may provide for an additional protective order regarding confidentiality of the assessment that does not violate the mandatory reporter provisions of RCW 26.44.

(11) Termination of publication (T.O.P.) hearings shall be set by the petitioner and the Clerk of the Court at least 70 days in the future. No T.O.P. hearing shall be set within one week of a fact-finding hearing. It shall be the responsibility of the petitioner to show by the petition or other verified statement or certification that the identity or the whereabouts of a necessary party is unknown or that no other method of service is likely to be successful.

[Adopted effective September 1, 1983. Amended effective January 2, 1994; March 20, 1997; September 1, 2001; September 1, 2005.]

LJuCR 2.5 PROCEDURE AT SUBSEQUENT SHELTER CARE HEARINGS

(a) Time. The second hearing shall be set within 30 days of the first hearing, unless by the agreement on the record or in writing of all parties or the order of the Court.

(b) Procedure. All parties shall attend the hearing. The Court will review any report submitted by parties or counsel. Such reports shall be submitted to the Court and parties by noon of the day prior to the hearing unless good cause is shown for any delay. Argument shall be limited to whether there has been a change of circumstances since the entry of the initial shelter care order, unless reasonable advance written notice is given to the Court and other parties of new issues or evidence.

(1) New Issues or Evidence: Reasonable advance written notice shall be given to the court and other parties of the new issues or evidence. The party raising new issues or evidence shall give written notice to the Court and other parties not later than noon of the day prior to the hearing or as otherwise permitted by the Court.

(2) Facts Not in Dispute: If facts sufficient to establish dependency are not in dispute, the Court shall enter an order establishing dependency. The Court shall inquire of the parties what the issues are and what their position are on the issues.

(3) Alternate Dispute Resolution: The Court may order the matter certified to an appropriate alternative dispute resolution resource approved by the Court to be conducted prior to the scheduled pre-trial conference. The Court may direct the amendment and reissuance of the case schedule to accommodate the requirement of an alternative dispute resolution process, if requested by a party. If the alternative dispute resolution process results in a resolution or partial agreement, an order conforming to said resolution/partial agreement shall be presented at the pre-trial conference for Court approval. The pre-trial conference and/or fact-finding date may be continued upon motion with proper notice to parties and counsel of record for good cause. The Court shall enter an order providing the necessary placement and conditions as provided for in LJuCR 2.4(c)(10) above and set a date within 30 days for submission by the Juvenile Court

Liaison or private agency coordinator of an "Affidavit of No Change in Circumstances" and a proposed order continuing shelter care

(c) Pre-trial Conference. A pre-trial conference shall occur at the date and time set in the case schedule unless modified by Court order in the second shelter care hearing, and shall conform to the requirements of LJuCR 3.7. Pre-trial agreements are to be sought on issues regarding discovery, witnesses, evidentiary and other pre-trial questions. Parties must comply with the requirements of LR 37(e) prior to seeking sanctions for failure to provide discovery or requesting a continuance of the trial date.

(d) Procedure for Additional Shelter Care Hearing. An additional shelter care hearing can be set on the contested-hearing calendar upon the filing of a note for calendar and a written "Motion and Affidavit of Change of Circumstances" with six court days' notice to all parties. The motion shall specify the change in circumstances, relief requested, statement of facts and the evidence relied upon, and shall be properly served on all parties. All responsive pleadings shall be submitted to the Court and parties by noon of the day prior to the additional shelter care hearing unless good cause is shown for any delay. The hearing date shall be obtained from the Clerk of the Court.

[Effective January 2, 1994; amended effective July 1, 1994; March 20, 1997; September 1, 2005.]

LJuCR 2.6 SUMMARY JUDGMENT

(a) Motion. A motion for summary judgment may be filed by any party in accordance with LR 56.

(b) Procedure. Supporting and opposing affidavits shall set forth in good faith such facts that would be admissible in evidence. The court may permit affidavits to be supplemented or opposed by further sworn statements. An adverse party must respond by affidavit and must set forth specific facts showing that there is a genuine issue for trial. If there is no such response, summary judgment, if appropriate shall be entered against the adverse party. If the party in opposition is unable for good cause to present an affidavit of facts essential to justify his opposition the court may refuse the application for summary judgment or may order a continuance.

(c) Form of the Order. The court shall determine what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. The court shall make an order specifying the facts that appear without substantial controversy and directing such further proceedings in the action as are just. The order granting or denying the motion for summary judgment shall designate the documents and other evidence relied upon by the court in making the order. Summary judgment may be rendered on the issue of dependency alone and if there is a genuine issue as to disposition, a dispositional hearing may be set.

[Adopted effective September 1, 2005]

TITLE III. DEPENDENCY PROCEEDINGS

LJuCR 3.1 INVOKING JURISDICTION OF JUVENILE COURT

Juvenile Court jurisdiction is invoked over dependency proceedings by filing a petition.

[Effective January 2, 1994.]

LJuCR 3.2 WHO MAY FILE PETITION--VENUE

(a) Who May File. Any person may file a petition alleging dependency.

(b) Venue. The petition shall be filed in the county where the juvenile is located or where the juvenile resides.

(c) Location for court proceedings for dependency actions filed in King County; filing of documents and pleadings and designation of case assignment area.

(1) All proceedings of any nature shall be conducted in the case assignment area designated on the dependency petition unless the Court has otherwise ordered on its own motion or upon motion of any party to the action.

(2) Boundaries of Case Assignment Areas. For purposes of this rule King County shall be divided into case assignment areas as follows:

(A) Seattle Case Assignment Area. All of King County except for the areas included in the Kent Case Assignment Area.

(B) Kent Case Assignment Area. All of the areas of King County using the following postal zip codes: 98001; 98002; 98003; 98010; 98022; 98023; 98025; 98031; 98032; 98038; 98042; 98047; 98048; 98051; 98054; 98055; 98056; 98057; 98058; 98059; 98092; 98146; 98148; 98158; 98166; 98168; 98178; 98188; 98198.

(C) Change of Area Boundaries. The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

(3) Standards for case assignment area designation, and revisions thereof.

(A) Location Designated by Party Filing Action. Initial designations shall be made upon the filing of the petition alleging dependency. Case Assignment Area designations shall not be changed between the time of filing of a dependency petition and the entry of a disposition order except as necessary to correct a mistaken designation, to prevent undue hardship to a party or by the Court on its own motion as required for the just and efficient administration of justice.

(i) For petitions for dependency the case area designation shall be based on the area where the child primarily resides or where the child is located at the time of filing, subject to review by the Court, except for children known to be protected by the Indian Child Welfare Act. For cases involving children protected by the Indian Child Welfare Act, the case area designation shall be the Seattle Case Assignment Area.

(ii) For cases regarding Children in Need of Services and At Risk Youth, the case area designation shall be based on where the custodial parent resides.

(B) Change of Case Assignment Area Designation. The Court may order that a juvenile's case assignment area designation change upon the establishment of dependency and the

entry of a disposition order based on one of the following reasons: hardship to one of parties; transfer of the case within the supervising agency or to a new agency; a need for judicial continuity of control over the case; transfer is in the best interest of the child; correction of a mistaken designation or for such other reason deemed just and proper by the Court or when required for the just and efficient administration of justice. A case should not be transferred solely to accommodate an attorney.

(1) Method. A motion for change of case assignment area designation may be made by any party to the dependency or by the Court on its own motion. Such a motion shall only be made in writing as required by LJuCR 3.10 and shall be titled Motion to Change Case Assignment Area and shall specify the factors for change of case assignment area. A proposed Order to Change Case Assignment Area shall be included with the working papers submitted for the Court. If the motion is agreed to by the parties, the motion shall so state and the proposed order shall include the signatures of the parties. The Order to Change Case Assignment Area shall be filed by the prevailing party. All cases shall proceed in the original case assignment area until the order is entered and filed. Proceedings in the assigned area shall not preclude the timely filing of a motion to transfer.

(C) Improper Designation/Lack of Designation. The designation of the improper case assignment area shall not be a basis for dismissal of any action, but may be a basis for imposition of terms. The lack of designation of case assignment area at initial case filing may be a basis for imposition of terms and will result in assignment to a case assignment area at the Court's discretion.

(D) Assignment or Transfer on Court's Motion. The Court on its own motion may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

(E) Venue not affected. This rule shall not affect whether venue is proper in any Superior Court facility in King County.

(4) Where Pleadings and Documents Filed. Pleadings and documents in paper form for any dependency proceeding in King County shall be filed with the Clerk of the Superior Court at the court facility in the case assignment area of the case. Documents filed in electronic form, pursuant to GR 30, must be filed in a manner prescribed by the clerk. Working copies of papers for the judge must be delivered to the court facility where the judge is assigned.

(5) Inclusion of Case Assignment Area Code. All pleadings and documents shall contain after the cause number the case assignment area code assigned by the Clerk for the case assignment area in which court proceedings are to be held. The Clerk may reject pleadings or documents that do not contain this case assignment area code.

[Adopted effective January 2, 1994; amended effective October 1, 1996; September 1, 2004; September 1, 2005.]

LJuCR 3.3 CONTENT OF DEPENDENCY PETITION

A dependency petition shall contain:

(a) Identification of the Juvenile. The name, age and date of birth, sex and residence of the juvenile so far as known to the petitioner.

(b) Identification of Parent, Guardian, or Legal custodian. The full name, marital status, residence, phone number, and date of birth or age, if available, of the parent, guardian, or

legal custodian, or person with whom the juvenile is residing, so far as known to the petitioner. If not known, the petition shall so state. The address and phone number may be withheld if there are safety concerns.

(c) Membership in Indian Tribe. If the petitioner knows or has reason to know that the juvenile is or may be a member of an Indian tribe or band or may be eligible for membership in an Indian tribe or band, the petition shall so state and shall state the name of the tribe or band, or if not known, the basis of the child's Indian heritage.

(d) Jurisdictional Statement. A statement of the statutory provisions which give the Court jurisdiction over the proceeding.

(e) Statement of Facts. A statement of the facts which gives the Court jurisdiction over the juvenile and over the subject matter of the proceedings stated in plain language and with reasonable definiteness and particularity.

(f) Request for Inquiry. A request that the Court inquire into the matter and enter an order that the Court shall find to be in the best interests of the juvenile and justice.

(g) Verification. If the petition is prepared by a Juvenile Court Liaison worker on behalf of the petitioning DSHS social worker, or the private agency coordinator on behalf of an individual or private agency, it shall contain a verified statement by the Liaison worker or private agency coordinator that the information contained therein was provided by the petitioning social worker and that the finalized petition accurately reflects said information.

(h) Other. Any other information required by court rule or statute.

[Effective January 2, 1994; amended effective September 1, 2005.]

LJuCR 3.4 NOTICE AND SUMMONS, AND CASE SCHEDULE

(a) Notice and Summons and Case Schedule. At the time of filing the petition, a Notice and Summons and case schedule shall be issued by the Clerk of the Court and served by the petitioner pursuant to RCW 13.34.070. Service by publication shall conform to the requirement of RCW 13.34.080. A 72-hour shelter care hearing date, a pre-trial conference date and a fact finding date shall be obtained at the time of filing and set out in the notice. The notice shall state that a petition begins a process, which if the juvenile is found dependent, may result in permanent termination of the parent-child relationship.

(b) Advice to Be Contained in Notice and Summons.

(1) A notice directed to the juvenile and/or to the juvenile's parent, legal custodian, or guardian shall contain an advisement of rights conforming to requirements of RCW 13.34.062, RCW 13.34.070 and RCW 13.34.090 clearly setting forth the right of a party to a hearing before a Judge and to representation by a lawyer, including appointment of a lawyer to a child, parent, guardian, or legal custodian who cannot afford one.

(2) The Notice and Summons shall also advise the parties that attendance at the pre-trial conference is mandatory, unless excused in advance by the Court.

(3) The Notice and Summons shall also advise the parties that failure of a party to appear or otherwise plead or respond to the petition shall be the basis for the Court to enter an Order of Default and Findings of Dependency and Disposition against that party at the pre-trial conference.

(c) Scheduling Pre-trial Conference and Fact Finding Hearing. The Court shall schedule a pre-trial conference and a fact finding hearing. The fact-finding hearing shall be set to be held within 75 days of the filing of the petition alleging dependency. The parties may waive their right to a hearing within 75 days and stipulate to continue the hearing to a later time based on exceptional circumstances subject to Court approval.

(d) Indian Children. If the petitioner knows or has reason to know that the child involved is or may be a member of an Indian tribe or band or eligible for membership in an Indian tribe or band, the petitioner shall notify the child's tribe or band of the fact-finding hearing in the manner required by RCW 13.34.070(10) and 25 U. S. C. 1912.

[Effective January 2, 1994; amended effective July 1, 1994; March 20, 1997; August 20, 1998; September 1, 2005.]

LJuCR 3.5 AMENDMENT OF PETITION

A petition may be amended at any time. The Court shall grant a continuance of the fact-finding hearing if necessary to insure a full and fair hearing on any new allegation in an amended petition.

[Effective January 2, 1994.]

LJuCR 3.6 ANSWER TO PETITION

(a) When to File. The parents or other respondents shall file an answer to the petition not later than the date provided in the case schedule. If the petition is amended subsequent to filing, the parents and other respondents shall file an answer to the amended portions of the petition within fourteen (14) days of the amendment or at the date provided in the case schedule, whichever occurs later.

(b) Age of Child Who May Answer. A child aged twelve or older may file an answer to the petition, but shall not be required to do so.

(c) Content of Answer. The answer shall specifically address and admit or deny each allegation in the petition. Denials shall fairly meet the substance of allegations denied. When a parent or other respondent intends in good faith to deny only a part of or to qualify an allegation, he or she shall specify so much of it as is true and material and shall deny only the remainder. If a parent or other respondent is without knowledge or information sufficient to form a belief as to the truth of an allegation, he or she shall so state and this shall have the same effect as a denial. The answer may be signed by the parent or other respondent, the attorney representing the parent or other respondent, or both. If the answer is signed only by the attorney representing the parent or other respondent, the answer shall include a certification by the attorney that the specific admissions and denials contained in the answer have been discussed with that attorney and approved by the parent or respondent that the attorney represents.

[Effective January 2, 1994; Amended effective March 20, 1997.]

LJuCR 3.7 PRE-TRIAL CONFERENCE AND FACT-FINDING HEARING

(a) Procedure at Pre-trial Conference.

(1) The Court shall hold a pre-trial conference on the date set in the case schedule which shall be at least 6 days prior to the scheduled date of the fact-finding hearing, at the location specified in the case schedule, unless modified by Court order. All parties must be present at the pre-trial conference unless specifically excused by the Court. Failure of a party to appear or to otherwise plead or respond to the petition, shall be the basis for the Court to enter an Order of Default and Findings of Dependency and Disposition against that party at the pre-trial conference.

(2) At the pre-trial conference, the Court will inquire into the readiness of the case for trial and compliance with the case schedule. Failure to comply with the case schedule may be the basis for Court ordered sanctions.

(3) For those cases in which a parent or other respondent appears at the pre-trial conference and states their wish to proceed to trial, but has not filed an answer to the petition in a timely fashion pursuant to LJuCR3.6, and if the Court decides to allow the case to proceed to trial, a continuance of the pre-trial conference may be granted at the request of any other party sufficient to allow the other parties at least five days following the filing of the answer, which shall be filed no later than at the time of the pre-trial conference unless otherwise authorized by the Court due to circumstances beyond the control of the attorney for the answering party, to gather information necessary for completion of the Statement of Evidence based upon the allegations at issue.

(4) For those cases for which an answer has been filed in compliance with LJuCR 3.6, or following a continuance to allow time for preparation of the Statement of Evidence, as provided above, the Court will consider matters of law, may certify the case for an alternative dispute resolution process, and otherwise define the specific procedural course of the fact finding hearing, such as determine the number of witnesses, the length and scope of the fact-finding hearing defined by the allegations actually at issue as determined by the pleadings, stipulations, and other agreement based upon a "Statement of Evidence" prepared prior to the pre-trial conference.

(5) Motions to continue dependency fact findings, brought after the pre-trial conference, shall be brought before the designated dependency Judge.

(b) Procedure at Fact-Finding Hearing. The Court shall hold a fact-finding hearing on the petition in accordance with RCW 13.34.110. All fact-finding hearings shall be assigned per the direction of the Court at the pre-trial conference.

(c) Evidence. The Rules of Evidence shall apply to the hearing.

(d) Burden of Proof. In a fact-finding hearing, on petition alleging dependency pursuant to RCW 13.34.030(5), the facts alleged in the petition must be proven by a preponderance of the evidence.

(e) Findings of Fact. In any dependency action in which the Court makes specific findings of physical or sexual abuse or exploitation of a child, the Court shall direct the Clerk to notify the state patrol of the findings pursuant to RCW 43.43.840 and to fingerprint the perpetrator if he/she is a party to the proceeding.

(f) Agreed Orders of Dependency or Disposition. The parent, guardian or legal custodian of a child may waive his or her right to a fact finding hearing by stipulating or

agreeing to the entry of an order of dependency or disposition pursuant to RCW 13.34.110.

(1) Prior to entry of any stipulated or agreed order of dependency, the parent, guardian or legal custodian must appear before the court or waive his or her right to appear by executing, in writing, a waiver of the right to appear. The Court must establish on the record that the parent, guardian, or legal custodian possesses the knowledge and understanding of the legal effect of the stipulated order as required by RCW 13.34.110(2)(c).

(2) If the parent, guardian, or legal custodian fails to appear before the court after stipulating to entry of an agreed order of dependency, the Court may approve entry of the order upon a finding that the parent, guardian, or legal custodian had actual notice of the right to appear and chose not to do so.

[Amended effective September 1, 1983; January 2, 1994; March 20, 1997; August 20, 1998; September 1, 2005.]

LJuCR 3.8 DISPOSITION HEARING

(a) Hearing Date. If a juvenile has been found to be dependent, the Court shall immediately hold a disposition hearing unless there is good cause for continuing the matter. Pending disposition, the terms and conditions of any current shelter care order will continue in effect unless otherwise ordered by the Court.

(b) Agency Reports.

(1) The petitioner or supervising agency and CASA shall submit a report regarding a long range plan in accordance with RCW 13.34.120 and .130 clearly stating goals for the next six months. The parent, guardian, or legal custodian may also file a report to aid the court in disposition. In those disposition hearings set before a particular Judge, copies of all reports shall be provided to the bailiff for that Judge two court days prior to the hearing. Copies shall be served on counsel and parties six court days prior to the disposition hearing. Unless otherwise ordered by the Court, no written response is required. However, if provided, it shall be served two court days prior to the hearing.

(2) No report shall be submitted to the Court prior to the fact- finding hearing, but shall be served on the parties and counsel as required by this section.

(c) Informing Parties of Purpose of Hearing. The Court shall inform the parties of the legal status of the juvenile as a result of the finding of dependency.

(d) Evidence. The Court shall consider the social study and other appropriate pre-dispositional studies and evaluations in addition to information produced at the fact-finding and disposition hearings. Pursuant to ER 1101, the Rules of Evidence need not apply in disposition hearings.

(e) Agreed Disposition. If the parties agree to a disposition plan and order, the proposed order will be submitted to the Court with all reports. The Court may set the case for a hearing on its own motion with notice to the parties accompanied by a statement of reasons for such setting.

(f) Transferring Legal Custody. A disposition which orders removal of the juvenile from his or her home shall have the effect of transferring legal custody to the agency or legal custodian charged with the juvenile's care. The transfer of legal custody shall give the legal

custodian the following rights and duties:

(1) To maintain the physical custody of the juvenile;

(2) To protect, educate and discipline the juvenile;

(3) To provide food, clothing, shelter, education as required by law, and routine medical care for a juvenile; and

(4) To consent to emergency medical care, surgical care, including anesthetics, administration of medications as prescribed by the child's treating physician, and to sign releases of medical information to appropriate authorities, pursuant to law. Reasonable efforts shall be made by the custodial agency to contact and secure the consent of the child's parents, if they are available, to any emergency medical and surgical care needed by the child. If the parents disagree with the proposed emergency medical or surgical care, either they or the custodial agency may set an emergency hearing with notice to all parties.

The Court may, in its disposition order, modify the rights and duties granted to the legal custodian as a result of the transfer of legal custody.

(g) Transfer to New Agency. In the event of transfer of legal custody to an agency other than the original agency, the newly appointed custodian shall have the same rights and duties as outlined in (f) above, unless modified by the Court.

(h) Contested Dispositional hearing. In the event parties enter agreed dependency orders and seek to set a contested dispositional hearing, the contested dispositional hearing shall be set on the Contested Motions Calendar in accordance with LJuCR 3.10 provided the matter is not expected to exceed 30 minutes. If the matter is expected to take longer than 30 minutes, a pretrial conference order shall be entered identifying the contested issues and setting the matter for judicial assignment.

[Amended effective September 1, 1983; January 2, 1994; July 1, 1994; September 1, 2005.]

LJuCR 3.9 REVIEW OF DEPENDENCY ORDER

(a) Dependency Review Hearings. The status of all dependent children must be reviewed by the Court at least every six months from the beginning date of placement episode or the date dependency is established, whichever is first. "Current placement episode" means the period of time that begins with the most recent date the child was removed from the home of the parents, guardians or legal custodian for purposes of placement in out-of-home care and continues until the child returns home or an adoption decree or guardianship order is entered, or the dependency is dismissed, whichever occurs soonest. Removal of the child from the home by means of a written voluntary consent to place agreement or a Child in Need of Services or At-Risk Youth proceeding initiates a "placement episode." Initial progress review hearings will be per the procedure set out in LJuCR 3.9(b). Non-contested dependency review hearings will be per the procedure set out in LJuCR 3.9(c), contested review hearings will be per the motion procedure set out in LJuCR 3.10 and permanency planning hearings will be per the procedure set out in LJuCR 3.9(d).

(b) Initial Progress Review. The first dependency review hearing held after dependency is initially established shall be an in-court review and shall be set within six months from the beginning date of the placement episode and no more than ninety (‘90”) days from entry of the dispositional order, whichever comes first. The initial review may be a permanency planning hearing when

necessary to meet the time frames set forth in RCW 13.34.145(3) or 13.34.134, or when otherwise appropriate. The review shall include findings required by RCW 13.34.138.

(1) Scheduling an Initial Progress Review. Cases set for an initial progress review hearing shall be heard on the permanency planning review calendar as follows: The petitioner shall set the case for hearing at the time of the entry of the dispositional order by obtaining an open date from the Court Liaison Unit, or private agency coordinator or by the Court scheduling the initial progress review hearing on its own motion and order.

(2) Reports and Contested Issues.

(A) In all cases set for an initial progress review hearing, the person or agency supervising the dependency will submit a written report and proposed order to all parties and the Court not less than 14 days prior to the scheduled initial progress review hearing. Cases in which the report and proposed order are not timely provided will be stricken from the calendar and reset by an order providing a new initial progress review hearing date. Responsive reports of parties not in agreement with the supervising agency's proposed court order must be provided to the supervising person or agency, all other parties, and the Court at least seven days prior to the hearing. Documents in strict reply, if any, shall be served no later than noon of the second court day prior to the hearing.

(B) Any party wishing to request a modification of the dispositional order, or request additional relief from the Court shall utilize the procedures set out for motions in LJuCR 3.10. Failure to do so will prevent that party from being heard on the contested issue at the initial progress review hearing. If during the course of a hearing, a contested issue arises that could not have been reasonably anticipated by the affected party or their counsel, the Court may consider the contested issue or continue the hearing.

(C) Reports, Contested motions, and Proposed Orders shall be submitted to and held by the DSHS Court Liaison Unit or private agency coordinator. All reports, motions and proposed orders shall be provided to the Court by the DSHS Court Liaison Unit or private agency coordinator by noon of the second court day prior to the hearing.

(3) Hearings. All initial progress review hearings shall be in-court hearings and the court will make findings regarding the agency's and parents' efforts to demonstrate consistent measurable progress over time in meeting the dispositional plan requirements.

(c) Non-Contested Calendar. There shall be a non-contested calendar for all matters in which an adversarial proceeding or a verbatim record of proceedings is not required.

(1) Matters Heard.

(A) The following matters shall be set on the non-contested calendar:

(i) All dependency review hearings unless contested.

(ii) Motions to dismiss dependency at any stage of the proceeding unless contested.

(iii) Shelter care hearings with affidavits of no change.

(B) Agreed orders of dependency, dependency disposition, guardianship, termination of parental rights by relinquishment, continuance and such other agreed orders as may be arrived at by the necessary parties may be submitted to the non-contested calendar unless the case has been retained by a particular Judge. Parties may also submit agreed orders to the Presiding Department on the scheduled fact-finding date in those cases set there for trial assignment.

(2) Scheduling a Review Hearing. A matter is set on the non-contested calendar as part

of an order entered at a previous hearing or review, by a party obtaining an open date from the DSHS Court Liaison Unit or private agency coordinator and providing notice to all other parties, or by the Court scheduling the review hearing on its own motion and order.

(3) Review Intervals. All cases in which dependency has been established shall be scheduled for a non-contested review hearing at not more than five months from the previous hearing or review. This will provide for a review hearing within six months of all matters, including those transferred to the contested calendar.

(4) Filing Dependency Review Reports for Non-Contested Calendar. A written review report and a proposed dependency review order shall be prepared by the supervising agency. They shall be provided to all parties, such as the parents, attorneys, CASA, child and the Court, not less than 14 days prior to the scheduled review hearing and shall be held by the DSHS Court Liaison Unit or private agency coordinator until noon of the day before the scheduled hearing for review and signature by the parties. When the agency report and proposed order have been provided in a timely manner, and no contested dependency review motion has been filed by any party up to three days prior to the scheduled review date, the agency report and proposed order, and any additional submissions by any party, shall be submitted to the Court for determination. Cases in which the agency report and proposed order are not timely provided will be stricken from the calendar and reset by an order providing a new review hearing date on the non-contested calendar. Proposed judicial additions to the order will be circulated to the necessary parties. If agreed upon, they will be added to the order and initialed by the parties. If not agreed upon the matter will be set on the contested calendar for a contested motion hearing. Orders that are agreed upon, or not contested, shall be entered upon judicial approval.

(5) Transfer to the Contested Motion Calendar by a Party.

(A) Any party disputing all or part of the proposed plan for the ensuing review interval may transfer the matter to the contested motion calendar as per the procedures set forth in LJuCR 3.10 below.

(B) The contested dependency review motion shall be filed not later than three days prior to the scheduled non-contested hearing date or the Court may consider and enter the proposed non-contested order as per subsection 4 above.

(C) The Court Liaison or private agency coordinator will transfer the agency report and proposed order to the Court for consideration prior to the contested motion.

(D) If the contested motion is set for a date that is more that six months from the date of placement or the entry of a previous full dependency review order as determined by the date of the Judge's signature, an order maintaining the status quo will be prepared by the Court Liaison or private agency coordinator for entry pending the contested motion hearing.

(E) The inability of an attorney to contact his or her client will not be deemed a basis to transfer a matter to the contested calendar. If desired, counsel may file a written statement as to non-contact as a basis for non agreement, but the matter will be deemed non-contested.

(6) Transfer to Contested Motion Calendar by Court. The Court may transfer any matter to the contested motion calendar on its own motion at any time. This shall be done by an order specifying the reason for the transfer to the contested motion calendar and maintaining the status quo, if necessary. This may occur when:

(A) There is an apparent need for the presence of a party or for additional

information as required by the Court;

(B) The Court intends to adopt a plan for the ensuing review interval which varies substantially from that proposed by the supervising agency or parties; or

(C) To review the failure of the supervising agency or other party to submit written reports and/or a proposed order in a timely manner and to consider what, if any, steps should be taken by the Court to ensure future compliance.

(7) Nature of Non-Contested Review Hearing. The non-contested review calendar shall be heard by the Court with such staff as is deemed necessary. A Clerk need not be present, nor will there be a verbatim reporting of the proceeding. The record of the review hearing shall be by notation on the daily calendar of cases and by entry of an order in each matter reviewed on the calendar. Orders shall reflect the names of all parties present and the action ordered by the Court.

(8) Persons Present at Non-Contested Review Hearings. The Court may request that a representative of the supervising agency attend the non-contested hearing, in addition to necessary staff. If pro se parties appear for a non-contested hearing, court personnel or the Court Liaison shall advise them of the right to an attorney and of the method for setting a contested motion hearing. Parties may waive these rights and agree to the entry of the non-contested order by signing the order.

(9) Continuances. Continuances will be prepared and entered at the request of the parties to the case, subject to Court approval, or by the Court Liaison or private agency coordinator when the agency report and proposed order have not been submitted in a timely manner. Continuances for lack of a timely report or proposed order shall so state and shall further specify if there have been previous continuances of the pending hearing for the same reason.

(10) Review by the Court. When the supervising agency's report and proposed order has been submitted to necessary parties in a timely manner and no contested dependency review motion has been filed three days prior to the scheduled non-contested review hearing, an order will be entered subject to judicial approval reflecting the recommendations of the supervising agency. No order shall be entered prior to 10:30 AM of the day on which the non-contested review hearing is actually set.

(11) Calendar Review. Representatives of the Court and impacted agencies shall meet periodically to review these procedures.

(d) Permanency Planning Review Hearing. The Court shall hold permanency planning review hearings for every child in out-of-home care pursuant to RCW 13.34.130. The first permanency planning review hearing shall be held as specified in RCW 13.34.145 and there shall be a subsequent permanency planning review hearing every 12 months thereafter until a permanency planning goal is achieved or the dependency is dismissed, whichever occurs first. The agency supervising the placement of the child shall submit a permanency plan for care of the child to the parties and the Court. Any such plan submitted shall not affect efforts to provide services for the reunification of the family pending approval or implementation of the permanency planning goal unless the Court specifically orders otherwise. All permanency planning review hearings shall be held in court unless all parties to the dependency, including the child, agree in writing to the entry of a permanency planning order.

(1) Scheduling. Cases shall be set for an in-court review hearing on the

permanency planning review calendar as follows:

(A) The agency supervising the placement of the child shall set the case for hearing at the time of the entry of the previous initial progress review order, non-contested dependency review order, or dependency disposition order when the ensuing review date will fall within the time periods set forth above. All permanency planning review hearings will be set at least 30 days before the expiration of the time period to allow time for continuances or contested motions as necessary.

(B) Any party, including the supervising agency, may move to set a case for a permanency planning review hearing to ensure that such a review is held within the time periods specified in RCW 13.34.145. A party may move to set a case for permanency planning review hearing at other times only upon a showing that the circumstances of the case warrant such review. The matter shall be set on the permanency planning review calendar by the moving party obtaining an open date from the DSHS Court Liaison Unit or private agency coordinator and providing all other parties with at least 14 days' notice of the hearing.

(C) The Court on its own motion and order may set a case for permanency planning review hearing at any time during the dependency. The parties to the dependency shall be provided with at least 14 days' notice of the hearing.

(2) Reports.

(A) In all cases set for a permanency planning review hearing by the agency supervising the placement of the child, the agency will submit a report setting forth permanency planning issues and recommendations, and a proposed permanency planning review order, to all parties to the dependency including the child at least 14 days prior to the hearing. The report of the supervising agency shall identify a primary permanency planning goal and may also identify alternative goals. Responsive reports of parties not in agreement must be provided to the supervising agency and other parties at least seven days prior to the hearing. Documents in strict reply, if any, shall be served not later than noon of the second court day prior to the hearing.

(B) In cases set for a permanency planning review hearing by a party other than the supervising agency, the moving party shall submit a report and proposed order to all parties as set forth above. The supervising agency shall submit a report and proposed order, if different from that of the moving party, at least seven days prior to the hearing.

(C) In cases set for a permanency planning review hearing by the Court on its own motion and order, the basis for the hearing shall be set forth in or as an attachment to the order. The supervising agency shall, and other parties not in agreement must, submit a report and proposed order at least seven days prior to the hearing.

(D) Reports and proposed orders shall be submitted to and held by the DSHS Court Liaison Unit or private agency coordinator for review and signature by the parties prior to the hearing. All reports, proposed orders and legal files shall be provided to the Court by the DSHS Court Liaison Unit or private agency coordinator by noon of the second court day prior to the hearing, after which the reports, proposed orders and files will not be available to the parties until the hearing.

(3) Hearings.

(A) All permanency planning review hearings shall be in-court hearings to be set on a regular calendar and with such procedures as shall be established by the Court. At

the hearing, the Court will review the reports and proposed orders and determine if the permanency plan of care for the child proposed by the supervising agency or moving party is appropriate and to clarify such issues as may be raised by the parties to the hearing. The Court shall: (1) approve and order the implementation of the supervising agency's primary or alternative permanency plan of care for return of the child to the home of the child's parent, guardian or legal custodian; adoption; guardianship; permanent legal custody; long term relative or foster care with a written agreement, until the child is age eighteen, with a written agreement between the parties and the care provider; a responsible living skills program and independent living if the child qualifies pursuant to RCW 13.34.145; (2) modify the supervising agency's permanency plan of care or approve a different permanency plan of care and order its implementation, or (3) order the filing of a guardianship petition, if a proposed guardian for the child is available, or a termination petition. ER 1101(c)(3) applies to these hearings.

(B) The Court shall (1) order the child returned home only if the Court finds that a reason for removal as set forth in RCW 13.34.130 no longer exists, or (2) order the child to remain in out-of-home care for a limited specified time period while efforts are made to implement the permanency plan adopted by the Court. Nothing in this rule may be construed to limit the ability of the supervising agency to file a petition for termination of parental rights or a dependency guardianship petition at any time following the establishment of dependency.

(4) Continuances. A permanency planning review hearing may be continued one time for failure of the supervising agency to submit a report or proposed order in a timely manner, by agreement of the parties, or to allow a party to raise a contested issue, providing that the hearing may not be continued past the date at which a permanency plan for the child must be entered. If a hearing is continued past the date at which a permanency plan for the child must be entered for any reason, the Court may enter an order maintaining the status quo pending the hearing.

(5) Contested Issues. Any party wishing to contest a permanency plan of care for a dependent child that is proposed prior to the permanency planning review hearing by the supervising agency, moving party or the Court shall designate the matter as a contested motion as per the procedures and motion format of LJuCR 3.10 above. The matter shall remain on the permanency planning calendar but in all other aspects shall be treated as a contested motion hearing. Failure by a party to properly utilize the procedures and motion format set forth in LJuCR 3.10 above shall prevent that party from being heard on the contested issue. If during the course of a hearing, a contested issue arises that could not have been reasonably anticipated by the affected party or parties, the Court may consider the contested issue or continue the hearing.

(6) Agreed Orders. If all parties to a dependency, including the child, approve the proposed permanency planning review order in writing individually or through counsel, an in-court hearing shall not be required. An agreed order requires that a CASA and/or attorney for the child must sign for a child under 12 years of age. If any party to the dependency, including a party who is unrepresented, does not sign the proposed order, the in-court hearing must be held. However, if one parent was defaulted in the underlying dependency and the whereabouts and/or identity of that parent continue to be unknown to the supervising agency, an order may still be entered without a hearing if agreed to by all other parties. If a party signs a proposed order prior to a hearing and does not attend the hearing, and the Court determines that a permanency plan other than that proposed should be implemented, the party will be notified of the change and

provided an opportunity to set a contested motion or otherwise respond to the change.

(e) Retention of Jurisdiction. A Judge hearing a dependency proceeding may elect to retain jurisdiction of the matter for future dependency hearings on the motion of a party or the Court's own motion. All orders entered in the proceeding shall specify that jurisdiction has been retained until such time as it is released by the Court. All time periods set forth in these rules and the applicable statutes shall be complied with by the parties and Court. All procedures for hearings and motions shall be substantially complied with by the parties and Court, except that hearings and motions shall be set with the retaining Judge's bailiff instead of the Court Clerk, Court Coordinator's Office, the Court Liaison Unit or private agency coordinator. In the event an emergency hearing or motion is necessary and the retaining Judge is not available, the moving party shall set the hearing or motion on the appropriate calendar in accordance with these rules.

[Effective January 2, 1994; amended effective July 1, 1994; September 1, 1996; September 1, 2004; September 1, 2005.]

LJuCR 3.10 CONTESTED DEPENDENCY MOTIONS

(a) Contested Motions Calendar--Procedure. Contested dependency review motions may be set by a party or by the Court on its own motion. Motion hearings may include full dependency reviews but shall be limited to particular noted issues and will not include 72-hour shelter care, 30-day shelter care, non-contested, or permanency planning hearings.

(b) Scheduling a Contested Hearing.

(1) By a Party. A party may set a contested dependency motion hearing by following the procedure outlined in this rule. If the contested hearing will include a full dependency review and the date for the hearing is more than six months from the beginning date of the placement episode or the entry of the previous dependency review order or order of dependency (whichever is first), a status quo order will be entered as provided in LJuCR 3.9(c)(5)(D).

Once a contested motion hearing is scheduled, any party to the dependency may raise additional issues or designate it as a full dependency review by filing a motion to expand issues and noting the matter for hearing with the Clerk to a date which provides all the parties with at least 14 days' notice of the new issues, and notifying the Juvenile Court Coordinator's Office. Motions to expand issues are not permitted if the party initially noting the motion for contested hearing designates the motion as an emergency. However, motions deemed by the Court to have been frivolously designated as an emergency matter may result in sanctions imposed by the Court.

(2) By the Court. When the Court has set a matter on for a full dependency review, the parties will be notified by the Court of the issue(s) to be addressed, in writing at least 14 days prior to the Court-scheduled contested motion hearing, and the parties must respond with written material which support their respective positions on the issue(s) set for hearing by the Court in the same manner as a party responding to a motion as set out in LJuCR 3.10(c)(2)(iii.).

(3) Court-Approved Date. The Clerk shall administer the scheduling of all contested dependency review motion hearings. All proposed dates for such matters must be

approved by the Clerk. The approval will be based on the availability of time to hear the matter on the proposed date, unless ordered by the Court as an overset.

(c) Motions Format and Procedures.

(1) Motions to Be in Writing. Motions must be in writing dated and signed by the attorney or party.

(2) Motions Documents and Notes—Time and Place for Filing and Scheduling.

(i) Any party desiring to bring a motion for a contested hearing shall file with the Clerk and serve upon all parties at least 14 days before the date fixed for such hearing, the motion together with all supporting documents including affidavits and a note for the motion calendar. The note must contain the title of the Court; the Clerk's number and a title of the cause; the designation "Juvenile Dependency Motions"; the date and time when the same shall be heard; the words "Note For Motion Calendar"; the names, addresses and telephone numbers of attorneys for all parties; the nature of the motion; and by whom made. This note shall be signed by the attorney or party filing the same, with the designation of party represented.

(ii) Copies of the note and motion together with all supporting documents including affidavits shall be served on the Juvenile Court Coordinator's Office at the time the moving party notes the hearing.

(iii) Responsive documents and briefs shall be filed with the Clerk and copies served on all parties and the Court Coordinator's Office no later than noon seven days prior to the hearing; and documents in strict reply thereto shall be similarly filed and served no later than noon of the second court day prior to the hearing. All responsive documents shall have the hearing date noted on the upper right hand corner.

(d) Motion—Contents of. A motion for a contested hearing must conform to the following format:

(1) Relief Requested. The specific relief the Court is requested to grant.

(2) Statement of Facts. A succinct statement of the facts contended to be material.

(3) Statement of Issues. A concise statement of the issue(s) on which the Court is requested to rule.

(4) Evidence Relied Upon. The evidence on which the motion or reply is based must be attached to the motion or reply documents and specified with particularity. Such evidence may include written statements or reports relating to the provision of services and the response of the parties thereto or otherwise relating to compliance with court orders and disposition plans. Hearsay evidence must be provided by sworn statements or declarations unless a reasonable basis exists why such statements could not be procured, in which case the proponent of the evidence must identify the source of the hearsay and its basis of knowledge for the facts or opinions asserted.

(5) Authority. Any legal authority relied upon must be cited. Copies of out-of-state or federal cases shall be attached, and the portions relied upon marked for ease of referral.

(6) Proposed Order. A copy of a proposed form of an order, which the Court may adopt, modify, or reject consistent with the decision of the Court shall be served with the motion and shall be included with the working papers provided for the Court. The original of the proposed order shall not be filed with the Clerk, nor included with the working papers for the Court, but brought to the hearing by the moving party.

(e) Striking Hearing or Changing Hearing Date. A contested dependency motion

hearing may be stricken, or the hearing date changed, in the following manner:

(1) Striking Hearing. A hearing on a contested dependency motion may be stricken at any time by the moving party, unless another party has previously filed and served a motion to expand issues under LJuCR 3.9(d)(1)(A). Notice that the motion hearing is being stricken shall be given to all parties not later than noon on the day before the scheduled hearing by the means most likely to give actual notice to the party or person in question. Such notice shall be confirmed by filing with the Clerk a Note for Calendar indicating that the hearing has been stricken and serving the notice on all parties. The Note for Calendar should be filed by noon on the business day before the date of the hearing and should be served on the Court Coordinator for distribution to the Judge or Court Commissioner scheduled to hear the matter.

(2) Changing Hearing Date. The hearing date on a contested dependency motion may be changed once by agreement of all parties. A new date must be obtained from the Clerk's Office. A Note for Calendar reflecting the new date should be filed with the Clerk at the time that the hearing is changed and should reflect that the original hearing date is stricken.

(3) Hearings Where There is a Motion to Expand Issues. Where another party has filed a motion to expand issues under LJuCR 3.10(b)(1), the hearing originally noted may not be stricken unless the party who filed the original motion agrees, or the court orders that the hearing be continued to accommodate resolution of the expanded issues. The hearing date may be changed by agreement of all parties in the manner described under subsection 3.10(e)(2) supra.

(f) Time of Hearing. The hearing of the motion will commence at such time as is designated by the Court.

(1) Unopposed Matters. The Court will, on request, enter the order moved for if no one appears in opposition within 30 minutes after the time set for hearing unless the Court deems it inappropriate. The opposing party may move to strike a matter if no one appears in opposition within 30 minutes after the time set for hearing unless the Court deems it inappropriate.

(2) Hearing Order. Motions will be heard in the order designated by the Court. Upon stipulation of all parties and in the absence of a request for argument, a motion may be presented upon the written motion and supporting documents without oral argument.

(3) Time for Argument. No more than five minutes per party (including the CASA), or less as directed by the Judge hearing the matter, will be allowed for argument unless specially authorized by the Court upon prior application to the Judge who will be hearing the matter.

(g) Motion for Oral Testimony. A party seeking authority to present oral testimony must file a motion requesting oral testimony together with affidavits setting forth the reasons testimony is necessary to a just adjudication of the issues.

(1) The motion for oral testimony shall be filed before or at the time the motion or response of that party is being filed and shall be decided without oral argument. Working papers of these materials must also be submitted to the Judge assigned to the calendar on which the motion is set and that Judge will determine whether oral testimony will be allowed and/or set out any limitations without oral argument.

(2) The affidavits and exhibits must demonstrate the extraordinary features of the case. Factors which may be considered include substantial questions of credibility on a

major issue, insufficiency or inconsistency in discovery materials not correctable by further discovery, or particularly complex circumstances requiring expert testimony.

(3) A motion for oral testimony may be joined by the other party, but an order providing for oral testimony cannot be entered by stipulation. The assigned Judge's decision will be communicated by writing or by telephone no later than 48 hours before the hearing. If granted such a motion may require the setting of a special hearing time as determined by the assigned Judge.

(h) Imposition of Sanctions or Terms. The Court may impose sanctions or terms for any frivolous motion or in granting a continuance of any matter. Nonappearance on a motion by the moving party may result in the imposition of sanctions or terms by the Court on counsel or on one or more of the parties as appropriate.

[Adopted effective September 1, 2005]

LJuCR 3.11 EMERGENCY HEARINGS AND HEARINGS SET ON SHORTENED TIME

(a) Emergency Hearings. Any party or their attorney may set a contested hearing based upon their certification that an emergency exists. In this event the matter shall be heard upon reasonable notice following the same procedure as for a 72-hour hearing pursuant to LJuCR 2.3. The Court may impose sanctions against a person or party who wrongly designates a matter to be an emergency hearing.

(b) Motion Shortening Time.

(1) The time for notice and hearing of a motion may otherwise be shortened only for good cause upon written application to the court in conformance with this rule.

(2) A motion for order shortening time may not be incorporated into any other pleading.

(3) As soon as the moving party is aware that he or she will be seeking an order shortening time, that party must contact the opposing party to give notice in the form most likely to result in actual notice of the pending motion to shorten time, as well as the time and place that the motion will be presented. The declaration in support of the motion must indicate what efforts have been made to notify the other side, whether efforts to notify were successful, and whether the other side opposes the order shortening time.

(4) Proposed agreed orders to shorten time: if the parties agree to a briefing schedule on motion to be heard on shortened time, the order may be presented by way of a proposed stipulated order, which may be granted, denied or modified at the discretion of the court.

(5) The court may deny or grant the motion and impose such conditions as the court deems reasonable. If the court grants the motion shortening time, the order shall specify deadlines for responsive pleadings or otherwise direct the manner in which the hearing will proceed.

[Adopted effective September 1, 2005]

LJuCR 3.12 RECONSIDERATION AND REVISION

(a) Reconsideration: Presentation of Orders.

(1) Filing. Motions for reconsideration and all pleadings and documents in support thereof must be filed and served on opposing parties and delivered to the hearing Judge or commissioner within ten days of the Court's written decision. The motion must set forth specific grounds for the reconsideration and the arguments and authorities therefore.

(2) Response. The opposing party has ten days after receipt of the motion and supporting materials to file documents in opposition. A copy of said pleading and documents must be served on the moving party and delivered to the hearing Judge or commissioner within ten days after receipt of the motion for reconsideration.

(3) Proposed Order. Each of the parties must include in the materials submitted to the hearing Judge or commissioner a proposed order sustaining his/her side of the argument. Should any party desire a copy of the order signed and filed by the Judge, a pre-addressed, stamped envelope shall accompany the proposed order.

(4) Oral Argument. Oral arguments will be scheduled only if the hearing Judge or commissioner so orders.

(b) Revision of Commissioner's Ruling: A motion for revision of commissioner's ruling shall be made in accordance with LJuCR 11.23.

[Adopted effective September 1, 2005]

LJuCR 3.13 MODIFICATION OF ORDER

Any party may move to change, modify, or set aside an order only upon a showing of a change of circumstances. The motion must be in writing pursuant to LJuCR 3.10 above and must clearly state the basis for the motion and the relief requested.

[Amended effective September 1, 1983; January 2, 1994; September 1, 2005.]

LJuCR 3.14 GUARDIANSHIP IN JUVENILE COURT

(a) Petition for Guardianship for Dependent Child. Any party to a dependency proceeding, including the supervising agency, may file a petition pursuant to RCW 13.34.230 requesting that a dependency guardianship be established for a dependent child for the purpose of assisting the Court in the supervision of the dependency. Notice must be given to the Department of Social and Health Services if the Department is not a party, and the Department may move to intervene in the proceedings.

(b) Scheduling and Notice of Dependency Guardianship Hearings.

(1) Agreed Dependency Guardianships. A hearing on a dependency guardianship petition which is agreed to by all necessary parties may be held with or scheduled as a review hearing pursuant to LJuCR 3.10.

(2) Dependency Guardianships Requiring Trial. All dependency guardianship hearings in which there is substantial disagreement between the parties or where testimony is needed shall be set for a preliminary hearing, pre-trial conference and fact-finding trial.

Dependency Guardianships requiring trial shall be governed by the process set forth in Title IV of these rules.

(3) Advice to be contained in the Notice and Summons. The notice shall clearly state the date, time and place for the hearings and shall contain an advisement of rights substantially conforming to the requirements of RCW 13.34.062 and RCW 13.34.090 so as to inform the party of the right to a hearing before a Judge and to representation by a lawyer, including appointment of a lawyer to a party who cannot afford one. The Notice and Summons for dependency guardianship shall also advise the parties that failure to appear or otherwise plead or respond to the Petition for Dependency Guardianship shall be the basis for the Court to enter an Order of Default against that party.

(c) Procedure; Evidence; Burden of Proof. The Court shall hold a hearing on the petition in accordance with RCW 13.34.231. The Rules of Evidence shall apply, and the burden of proof shall be by a preponderance of the evidence.

(d) Qualification for Guardian. A dependency guardian must meet the qualification requirements of RCW 13.34.236.

(e) Order of Guardianship. The order establishing the guardianship of a dependent child shall specify the rights and duties of the dependency guardian; the need for continued involvement, if any, of the supervising agency; and the frequency and terms of visitation, if any, between the child and the child's parent(s). The child shall remain dependent and subject to the continuing jurisdiction of Juvenile Court, but no review hearings shall be required unless clearly provided for in the dependency guardianship order.

(f) Motions to Modify or Terminate a Dependency Guardianship. Any party to the underlying dependency except a parent whose rights have been terminated may move to modify or terminate a dependency guardianship, or substitute or remove a guardian. Unless agreed to by all parties including the dependency guardian and the child's Guardian ad Litem or attorney, if any, the motion shall be set on the Contested Dependency Motions Calendar as per LJuCR 3.10 above and all parties including the dependency guardian notified as provided in these rules. The dependency guardianship may be modified or terminated if the Court finds by a preponderance of the evidence that there has been a substantial change in circumstances subsequent to the establishment of the dependency guardianship and that modification or termination of the dependency guardianship is in the best interest of the child. If a dependency guardianship order is terminated, the case shall return to the underlying dependency status and be set for review as required in LJuCR 3.9 and 3.10.

[Amended effective September 1, 1983; January 2, 1994; July 1, 1994; August 20, 1998; September 1, 2005.]

LJuCR 3.15 ADMISSION TO DETENTION--JUVENILES IN CONFLICT

(a) Criteria. A juvenile in conflict with his or her parents shall not be admitted to detention unless the probation officer who is responsible for intake procedure is satisfied either that:

(1) The juvenile has had previous alternative residential placement and has run from that placement, and it is likely the juvenile would run from another alternative residential

placement. OR

(2) The juvenile refuses to return home and refuses to be placed in an alternative residential placement.

(b) Additional Criteria. In addition to one of the above (a)(1) or (a)(2) the probation officer must be satisfied that:

(1) The juvenile is exhibiting extremely unsophisticated and self-destructive behavior. OR

(2) The juvenile is emotionally disturbed (suicidal, dangerously angry, depressed). OR

(3) The juvenile has been using drugs, is medically clear of drugs, but still emotionally unstable. AND

(4) That the juvenile's detention for up to 72 hours will serve a defined purpose.

(c) Review. Rule 7.3(c)(2) providing for review of detention shall also apply to detention of juveniles in conflict with parents.

[Amended effective September 1, 1983.]

LJuCR 3.16 JUVENILE AUTHORITY OVER FAMILY LAW MATTERS

(a) Granting of Concurrent Jurisdiction. Upon the agreement of the parties, the motion of a party, or the Court's own motion, Juvenile Court may grant concurrent jurisdiction with the Family Law Department of King County Superior Court, or the equivalent Family Court in other counties, at any point in a dependency proceeding in which the parents, guardians, or legal custodians of the child or children are presently involved in a RCW Title 26 action or anticipate the filing of such an action if it appears to the Juvenile Court that concurrent jurisdiction would promote a just resolution of common issues between the parties.

(b) Scope of Concurrent Jurisdiction. Any Juvenile Court order granting concurrent jurisdiction shall be cross-filed under the RCW Title 26 action cause number and may, after notice, hearing, and entry of an appropriate protective order in Juvenile Court, authorize access to the Juvenile Court legal file and to any files and records maintained by the petitioning or supervising agency or the CASA of the child or children. A grant of concurrent jurisdiction shall not confer party status in the RCW Title 26 action on the petitioning or supervising agency in the dependency proceeding. The Guardian ad Litem in the dependency proceeding may be appointed as the child's CASA or Guardian ad Litem in the RCW Title 26 action.

(c) Authority of Juvenile Court to Hear and Determine Family Law Issues.

(1) Juvenile Court may hear and determine RCW Title 26 issues in a dependency proceeding as necessary to facilitate a permanency plan for the child or children in the following circumstances:

(A) As part of a dependency disposition order or a dependency review order or as otherwise necessary to implement a permanency plan of care for a child, the parents, guardians, or legal custodians of the child may agree subject to Juvenile Court approval to establish a parenting plan, a non-parental custody order, or modify a previously entered parenting plan in order to resolve issues of residential placement and/or visitation between them. Such agreed parenting plan, non-parental custody order, or modification thereof, must have the

concurrence of the other parties to the dependency including the supervising agency, the CASA of the child, and the child if age 12 or older, and must further be in the best interest of the child.

(B) Following a fact-finding hearing on the dependency petition and a finding by Juvenile Court that a child has been abused or neglected or otherwise subject to such treatment or condition that it is in the best interest of the child, the Juvenile Court may enter a parenting plan, a non-parental custody order, or modify an existing parenting plan, in order to resolve issues of residential placement and/or visitation between the parents, guardians or legal custodians of the child and to implement a permanency plan of care for said child.

(C) In any parenting plan entered or modified in Juvenile Court pursuant to this rule, all issues pertaining to division of marital property shall be referred to or retained by the Family Law Department of King County Superior Court or the appropriate court in other counties. Issues of child support should be referred to or retained by the Family Law Department of King County Superior Court or the appropriate court in other counties but may be resolved by the Juvenile Court.

(D) Any Juvenile Court order determining RCW Title 26 issues is subject to modification upon the same showing and same standards as a Family Law Court order determining Title 26 issues.

(2) Any order entered in Juvenile Court establishing or modifying a parenting plan, or establishing a non-parental custody order shall be filed in the RCW Title 26 action in the Family Law Department of King County Superior Court or in the appropriate court in other counties by the prevailing party. Once filed in the RCW Title 26 action, any order establishing or modifying a parenting plan, or establishing a non-parental custody order shall survive the dismissal of the dependency proceeding. Juvenile Court may retain jurisdiction as long as is necessary to protect the child.

[Effective September 1, 1995; amended effective September 1, 2005.]

TITLE IV. PROCEEDINGS TO TERMINATE PARENT-CHILD RELATIONSHIP

LJuCR 4.1 INVOKING JURISDICTION OF JUVENILE COURT

Juvenile Court jurisdiction is invoked over a proceeding to terminate a parent-child relationship by filing a petition.

[Effective January 2, 1994.]

LJuCR 4.2 PLEADINGS

(a) Petition. A Petition requesting the termination of a parent-child relationship may be filed in Juvenile Court. The petition shall conform to the requirements of LJuCR 3.2 and 3.3, shall be verified, and shall state the facts which underlie each of the allegations required by RCW 13.34.180.

(b) Amendment of Petition. A termination petition may be amended as provided in LJuCR 3.5.

(c) Answer. A parent shall file an answer to the petition as provided in LJuCR 3.6. A CASA for a child or a child aged twelve or older may file an answer to the petition, but shall not be required to do so. Answers shall be due not later than 75 days after the filing of the petition, or at such other time as may be set by the Court. In no event shall an answer be required less than 20 days after service of the Notice and Summons and Petition.

[Adopted effective January 2, 1994; amended effective August 20, 1998; September 1, 2005.]

LJuCR 4.3 NOTICE OF TERMINATION HEARINGS

(a) Generally. A notice and summons of the preliminary hearing, pre-trial conference and termination fact-finding trial shall be issued by the Clerk of the Court or petitioner and served by the petitioner along with a copy of the termination petition and order setting case schedule on all parties, including a child who at the time of the scheduled termination fact-finding trial will be age 12 or over, in the manner defined by RCW 13.34.070 or published in the manner defined by RCW 13.34.080. The notice shall clearly state the date, time and place for the hearings and shall contain an advisement of rights substantially conforming to the requirements of RCW 13.34.180 and RCW 13.34.090 so as to inform the party of the right to a hearing before a Judge and to representation by a lawyer, including appointment of a lawyer to a party who cannot afford one.

The notice and summons shall also advise the parties that failure to appear or otherwise plead or respond to the Petition for Termination of Parental Rights shall be the basis for the Court to enter an Order of Default against that party.

(b) Notice to Counsel. In all cases where a party is represented by counsel in the underlying dependency action, the petitioner shall also provide counsel with a copy of the petition, notice and summons, and order setting case schedule.

(c) Case Schedule. Upon the filing of a termination petition, the Clerk of the Court will prepare and file an order setting case schedule and provide one copy to the petitioner. The petitioner shall serve a copy of the case schedule on all parties as provided in these rules. The case schedule shall be in a format set by the Court and shall set the termination fact-finding trial no more than 150 days after the filing of the termination petition. The case schedule will also designate the individual department of King County Superior Court to which the termination fact-finding proceeding is assigned for trial and for motions to amend the case schedule.

(d) Preliminary Hearing. The case schedule will set a preliminary hearing on the termination petition no more than 90 days after the filing of the petition. The preliminary hearing shall be set on the juvenile court dependency calendar and the Court shall determine whether any party shall be found in default and an order of termination of the parent-child relationship entered as to that party.

Nothing in this rule shall preclude any party from noting any additional motions pursuant to local or civil rule.

(e) Pre-trial Conference. The Court shall hold a pre-trial conference on the termination petition no more than 120 days after the filing of the petition at a location and time specified at the preliminary hearing, unless modified by Court order. The pre-trial conference shall be set on the juvenile court pre-trial calendar. All parties must be present at the pre-trial conference unless specifically excused by the Court. The pre-trial conference shall be conducted as provided in LJuCR 3.7(a)(2), (3) and (4), provided, however, that any motion brought after the pre-trial conference to continue the fact-finding trial date may only be heard by the individual department to which the fact-finding is assigned.

(f) Indian Children. If the petitioner knows or has reason to know that the child involved is or may be a member of an Indian Tribe, or that the child may be eligible for membership or enrollment in an Indian Tribe, the petitioner shall notify the tribe in question in the manner required by RCW 13.34.070(10) and 25 U.S.C. 1912.

[Effective January 2, 1994; amended effective July 1, 1994; August 20, 1998; September 1, 2005; January 1, 2006.]

LJuCR 4.4 DISCOVERY

(a) Generally. Discovery procedures in cases involving termination of parental rights shall generally be governed by CR 26-37.

(b) Conference of Counsel. The Court shall not entertain any motion or objection with respect to CR 26 through 37, unless it affirmatively appears that counsel have met and conferred with respect thereto. Telephonic conference is sufficient for purposes of this rule. Counsel for the moving or objecting party shall arrange such a conference. If the Court finds that counsel for any party, upon whom a motion or objection in respect to matter covered by such rules is served, willfully refuses or fails to meet and confer, or having met, willfully refuses or fails to confer in good faith, the Court may take appropriate action to encourage future good faith compliance.

(c) Completion of Discovery. Unless otherwise ordered by the Court for good cause and subject to such terms and conditions as are just, all discovery allowed under CR 26-37, including responses and supplementations thereto, must be completed as provided in the case schedule. Discovery requests must be served early enough that responses will be due and depositions will have been completed by the applicable cutoff date. Discovery requests that do not comply with this rule will not be enforced, absent a written agreement of all parties, and the parties shall not enter into such an agreement if it is likely to affect the trial date. Nothing in this rule shall modify a party's responsibility to reasonably supplement responses to discovery requests or otherwise to comply with discovery prior to the cutoff.

[Adopted effective January 2, 1994; amended effective August 20, 1998.]

LJuCR 4.5 AMENDMENT OF CASE SCHEDULE

(a) Generally. The Court, either on motion of a party or on its own initiative, may modify any date in the case schedule for good cause, except that the fact-finding trial date may be changed only as provided below. If a case schedule is modified on motion of a party, that party shall prepare and present to the Court for signature an amended case schedule, which the party shall promptly file and serve on all other parties. If a case schedule is amended on the

Court's own motion, the Court will prepare and file the amended case schedule and promptly mail it to all parties.

(b) Change of Fact-Finding Date

(1) Limited Adjustment of Fact-Finding Date to Resolve Schedule Conflict. Any party to a termination proceeding may move for an adjustment of the fact-finding trial date to resolve schedule conflicts by making a written motion in accordance with LR 7. The motion must be brought within 30 days of the filing of the termination petition, notice and summons and order setting case schedule, but only to a day no more than 28 days before or 28 days after the fact-finding trial date listed in the case schedule.

(2) Continuance of Fact-Finding. Any motion to continue the fact-finding trial date made more than 30 days after filing of the termination petition, or to continue the fact-finding more than 28 days after the original fact-finding date, will not be granted unless the motion is supported by a showing of good cause. The motion must be made in writing in accordance with LR 7. If a motion to change the trial date is made after the pre-trial conference, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice. A continuance motion may be granted subject to such conditions as justice requires.

(3) Approval of Party. A motion for continuance made under subsection (2) above will not be considered unless it is signed by both the party making the motion and the party's attorney, if any, or contains an explanation of why it was impracticable for the party to sign the motion and a certification that a copy of the motion has been mailed or otherwise delivered to the party.

(4) Order Striking Fact Finding Date. An Order striking Fact Finding Date shall be filed upon any resolution of the case short of the trial date.

[Adopted effective January 2, 1994; amended effective August 20, 1998; September 1, 2005.]

LJuCR 6.6 TERMINATION OF DIVERSION AGREEMENT

If an information is filed alleging an offense previously the subject of a diversion agreement, the information shall be accompanied by a motion to terminate the diversion agreement. The respondent shall indicate not later than at the case setting hearing whether or not the motion to terminate the diversion agreement will be contested. If the motion is to be contested, a hearing thereon may be set for the same time as the trial.

[Amended effective September 1, 1983.]

LJuCR 7.3 DETENTION AND RELEASE WITHOUT HEARING

(c) Admission to Detention and Review.

(1) Authority. The screening officer who is responsible for intake procedure shall have the authority to admit any juvenile to detention, subject to RCW 13.40.040.

(2) Review. The admission of a juvenile to detention shall be reviewed by a designated staff person within 24 hours of the admission. The juvenile may be detained thereafter only if that person believes grounds for detention apply as stated herein. Those

grounds shall be detailed in a written form by that staff person. That form shall be presented to the Court at 8:30 AM on the next judicial day, for review and action as deemed appropriate.

(3) Grounds for Detention. A juvenile shall not be admitted to or detained at the Youth Service Center unless the conditions specified in RCW 13.40.040 are met.

(4) Judicial Consultation Regarding Admission. When a law enforcement agency requests that a juvenile be held and the screening officer disagrees with that request, the screening officer shall consult with the on-call Judge who shall make the final determination. The screening officer may also consult with the on-call Judge in any case.

(5) Presentation of Order to Release Juvenile in Detention. At a detention review, a Judge may enter an order to authorize a juvenile probation counselor to present an ex parte order to release a juvenile from detention. The signature of the juvenile offender acknowledging any conditions of release must be on the presented order. The signature of defense counsel or the prosecutor is not required unless specifically ordered by the Judge, or if requested by counsel at the initial detention review hearing.

[Former LJuCR 7.4 renumbered and amended effective September 1, 1983; amended effective January 1, 2002.]

LJuCR 7.4 DETENTION HEARING

(e) Bail. If bail is authorized by the Court, it shall be posted with the Clerk or the Department of Youth Services. Prior to release, the juvenile shall be advised of the next hearing date, any other conditions of release, and that failure to appear may result in bail forfeiture and prosecution for bail jumping.

[Added effective September 1, 1983.]

LJuCR 7.6 ARRAIGNMENT AND PLEA--JUVENILE OFFENSE PROCEEDINGS

(a) Arraignment Calendar.

(1) A case shall be set for the Arraignment Calendar on the court day after it is filed if the juvenile is in detention, and within two weeks of filing in other cases.

(2) Parties shall be present at Court for the arraignment at a time designated in the summons.

(3) An in-court appearance by the juvenile and counsel is required, except as authorized by (4).

(4) A waiver of arraignment signed by the juvenile, or the juvenile's counsel with the juvenile's permission, and the prosecutor may substitute for an in-court arraignment when the juvenile:

(A) is in custody in a state or out of county detention facility; or

(B) is in residential treatment and it is against treatment recommendation to attend court; or

(C) is residing out of state.

(5) The waiver form shall specify either:

(A) That a guilty plea is to be entered and a disposition date is requested; or,

(B) That a not guilty plea is to be entered and the case is to be set for a case setting calendar within one week if detained or two weeks if not detained.

(b) Conference Between Counsel.

(1) There shall be a conference between counsel prior to the case setting calendar to determine whether a tentative plea agreement can be reached.

(2) If a tentative plea agreement is reached, a form shall be filed with the Court stating the agreement and requesting a disposition date, and a disposition date will be set. The form shall be signed by the parties and by counsel.

(3) If no plea agreement can be reached, a form shall be filed with the Court so stating, and a trial date will be set as early as practicable, but in any event in compliance with JuCR 7.8. The form shall be signed by the parties and by counsel.

(c) Case Setting Calendar. The juvenile and counsel shall appear for the case setting calendar unless the form referred to in (b)(2) or (b)(3) has been previously filed. The Court shall set the case for plea and disposition or for trial. Any order setting the case for plea and disposition shall set forth the tentative plea agreement.

(d) Change of Plea.

(1) A change of plea from not guilty to guilty may be entered by placing a case on the calendar not less than three court days before trial.

(2) If such change of plea is noted less than three court days before trial, the plea shall be taken on the trial date. The Court may inquire into the reasons for the change of plea and its timing and may impose terms.

[Amended September 1, 1981; amended effective September 1, 1983; February 24, 2000.]

LJuCR 7.8 TIME FOR ADJUDICATORY HEARING-- JUVENILE OFFENSE PROCEEDINGS

(b) Time Limits. To the extent possible trials shall be set between the 20th and 30th day following date of arraignment or the intake interview if the juvenile is not in detention or on community supervision, and within three weeks of filing of the information if the juvenile is detained or is on community supervision.

[Amended effective September 1, 1983.]

LJuCR 7.11 ADJUDICATORY HEARING--JUVENILE OFFENSE PROCEEDINGS

(b) Evidence. Written reports by the probation officer for disposition purposes shall not be inspected by the Court prior to an admission or adjudication if the facts are to be contested. The probation officer shall not testify at a fact finding hearing as to any facts disclosed or discovered in the course of the social investigation without juvenile's permission.

[Amended effective September 1, 1983.]

LJuCR 7.12 PLEA AND DISPOSITION HEARING

(a) A plea and disposition hearing shall be set not more than three weeks after the date of the case setting hearing if the juvenile is out of custody or two weeks after the case setting hearing if the juvenile is detained.

(b) Probation officers shall provide the prosecutor and defense counsel with a copy of their written disposition recommendation at least two days prior to the disposition hearing.

(c) All written material to be considered by the Court at the disposition hearing shall be submitted to the Court by noon on the next court day prior to the hearing.

[Amended September 1, 1981; amended effective September 1, 1983.]

LJuCR 7.14 MOTIONS--JUVENILE OFFENSE PROCEEDINGS

(a) Generally. All motions, including motions to suppress evidence, motions regarding admissions, and other motions requiring testimony, shall be heard at the time of trial unless otherwise set by the Court. Motions shall be served on all parties and filed with the court coordinator, together with a brief which shall include a summary of the facts upon which the motions are based, not later than five days before the adjudicatory hearing. Reply briefs shall be served and filed with the court coordinator not later than noon of the court day before the hearing.

(b) To Dismiss for Delay in Referral of Offense. The Court may dismiss an information if it is established that there has been an unreasonable delay in referral of the offense by the police to the prosecutor and respondent has been prejudiced. For purposes of this rule, a delay of more than two weeks from the date of completion of the police investigation of the offense to the time of receipt of the referral by the prosecutor shall be deemed prima facie evidence of an unreasonable delay. Upon a prima facie showing of unreasonable delay the Court shall then determine whether or not dismissal or other appropriate sanction will be imposed. Among those factors otherwise considered the Court shall consider the following: (1) the length of the delay; (2) the reason for the delay; (3) the impact of the delay on the ability to defend against the charge; and (4) the seriousness of the alleged offense. Unreasonable delay shall constitute an affirmative defense which must be raised by motion not less than one week before trial. Such motion may be considered by affidavit.

[Amended effective September 1, 1983; September 1, 2001.]

LJuCR 7.15 INFRACTIONS

(a) Scope of Rule. This rule governs the procedure in juvenile court for all cases involving "infractions". Infractions are noncriminal violations of law defined by statute or ordinance.

(b) Notice of Infraction. An infraction case is initiated by the issuance, service, and filing of a notice of infraction in accordance with this rule. The notice shall identify the

infraction which the respondent is alleged to have committed, the accompanying statutory citation or ordinance number, the date the infraction occurred, and the date of the prehearing conference.

(c) Service of Notice. Upon the prosecuting authority filing the notice of infraction with the court, the clerk of the court shall have the notice served by mail, postage prepaid, on the person named in the notice of infraction at his or her address.

(d) Prehearing Conference. The prehearing conference shall be set no sooner than 14 days and no later than 60 days after the filing of the notice of infraction. At the conference, the juvenile may (1) pay the amount of the monetary penalty in accordance with applicable law, in which case the court shall enter a judgment that the respondent has committed the infraction; (2) explain any mitigating circumstances surrounding the commission of the infraction; or (3) contest the determination that an infraction occurred by requesting a contested hearing;

(e) Mitigation Hearing. If the respondent indicates that there are mitigating circumstances, the court shall hold an informal hearing which shall not be governed by the Rules of Evidence. The court shall determine whether the respondent's explanation of the events justifies reduction of the monetary penalty. The court shall enter an order finding the respondent committed the infraction and may assess a monetary penalty. The court may not impose a penalty in excess of the monetary penalty provided for the infraction by law. The court may waive or suspend a portion of the monetary penalty, or provide for time payments, or in lieu of monetary payment provide for the performance of community service as provided by law. The court has continuing jurisdiction and authority to supervise disposition for not more than 1 year.

(f) Contested Hearing. The contested hearing shall be scheduled for not more than 60 days from the date of the prehearing conference. The court shall determine whether the plaintiff has proved by a preponderance of the evidence that the respondent committed the infraction. If the court finds the infraction was committed, it shall enter an appropriate order on its records and it may assess a monetary penalty against the respondent. The monetary penalty assessed may not exceed the monetary penalty provided for the infraction by law. The court may waive or suspend a portion of the monetary penalty, or provide for time payments, or in lieu of monetary payment provide for the performance of community service as provided by law. The court has continuing jurisdiction and authority to supervise disposition for not more than 1 year. If the court finds the infraction was not committed, it shall enter an order dismissing the case.

(g) Failure to Appear. If the respondent fails to respond to a notice of infraction or fails to appear for a court hearing, the court shall enter an order finding that the respondent has committed the infraction and shall assess any monetary penalties provided for by law. [Adopted effective May 1, 2002.]

LJuCR 11.23 REVISION OF COURT COMMISSIONER'S RULING

(a) Service and Filing of Motion. A motion for revision of a Commissioner's order shall be served and filed within ten (10) days of entry of the written order, as provided in RCW 2.24.050, and noted for consideration within twenty-four (24) days of entry of the Commissioner's order. A written note for motion must be provided to all other parties with at least fourteen (14) days notice of the date and place that the motion for revision will be

considered. The motion must set forth specific grounds for revision and the arguments and authorities therefore, and it shall be noted without oral argument.

(b) Providing Copies to the Judge. The party seeking revision must provide the designated dependency Judge with copies of the motion, the note for motion, and all paperwork originally submitted by all parties to the Commissioner. The moving party must also provide a copy of the Commissioner's order, a proposed Order on Revision and pre-addressed stamped envelopes for each counsel/party. The designated dependency Judge shall rule on the motion for revision or assign the motion to another judge according to court administration policy. If assigned to another judge, all parties will be provided notice of the reassignment by the bailiff or clerk of the Judge to which the motion has been reassigned.

(c) Providing Copies to the Coordinator. Copies of the motion, note for motion, and supporting paperwork shall also be provided to the office of the juvenile court coordinator. When a hearing has been tape recorded, the coordinator shall notify the clerk and request a copy of the audio or video tape of the hearing. The copy shall be provided by the clerk to the coordinator within two days of the clerk's receipt of the request and shall be available in the office of the court coordinator for a period of one week following the filing of a motion for revision of a Court Commissioner's ruling. Unless objection is filed to that recording within one week following the demand for revision, the recording shall be deemed certified as the record for revision, together with the legal files in the case. The taped recording of the hearing and the legal files shall be promptly transmitted by the court coordinator to the designated Judge hearing the motion for revision.

(d) Responsive Document. Responsive documents must be served, filed, and delivered to the hearing Judge no later than 12:00 noon, seven (7) days before the motion is to be decided. Any documents in strict reply are due no later than 12:00 noon, two (2) days before the motion is to be decided.

(e) Oral Argument. Oral argument on the motion for revision will be scheduled only upon request of the hearing Judge.

(f) Effect of Commissioner's Order. The Commissioner's written order shall remain in effect pending the hearing on revision unless ordered otherwise by the reviewing judge.

(g) Time of Filing. For cases in which a timely motion for reconsideration of the Commissioner's order has been filed, the time for filing a motion for revision of the Commissioner's order shall commence on the date of the filing of the Commissioner's written order of judgment on reconsideration.

[Amended effective September 1, 2001; September 1, 2004; September 1, 2005]

TITLE XII. TRUANCY PROCEEDINGS

LJuCR 12.1 TRUANCY CASE ASSIGNMENT AREA

(e) Location for Court Proceedings for Truancy Cases Filed in King County; Filing of Documents and Pleadings and Designation of Case Assignment Area.

(1) Designation of Case Assignment Area. In order to facilitate the division of

cases between the King County Courthouse and the Regional Justice Center facilities, it is required that from and after the first day of August 1997, each truancy petition filed in the Superior Court shall be accompanied by a Case Assignment Designation Form [in the form set forth in Section (8) below] on which the party filing the initial pleading has designated whether the case fits within the Seattle Case Assignment Area or the Kent Case Assignment Area, under the standards set forth in Sections (2) through (4) below.

(2) Where Proceedings Held. Commencing with the 1997-1998 school year, all proceedings of any nature shall be conducted in the case assignment area designated on the Case Assignment Designation Form unless the Court has otherwise ordered on its own motion or upon motion of any party to the action.

(3) Boundaries of Case Assignment Areas. For purposes of this rule King County shall be divided into case assignment areas as follows:

(A) Seattle Case Assignment Area. The school districts in the Seattle Case Assignment area are: Seattle (1); Mercer Island (400);Vashon (402); Skykomish (404); Bellevue (405); Riverview (407); Snoqualmie (410); Issaquah (411); Shoreline (412); Lake Washington (414); and Northshore (417).

(B) Kent Case Assignment Area. The districts in the Kent Case Assignment area are: Federal Way (210); Enumclaw (216); Renton (403); South Central (406); Auburn (408); Tahoma (409); Kent (415); and Highline (401).

(C) Change of Area Boundaries. The Presiding Judge may adjust the boundaries between areas when required for the efficient and fair administration of justice in King County.

(4) Standards for case assignment area designation, and revisions thereof.

(A) Location Designated by Party Filing Action. Initial designations shall be made upon filing of the petition alleging truancy and shall be based on the school district that originates the petition.

(B) Improper Designation/Lack of Designation. The designation of the improper case assignment area shall not be a basis for dismissal of any action, but may be a basis for imposition of terms. The lack of designation of case assignment area at initial case filing may be a basis for imposition of terms and will result in assignment to a case assignment area at the Court's discretion.

(C) Assignment or Transfer on Court's Motion. The Court on its own motion may assign or transfer cases to another case assignment area in the county whenever required for the just and efficient administration of justice in King County.

(D) Motions By Party to Transfer. Motions to transfer court proceedings from one case assignment area to another shall be made in writing as required by LjuCR 3.9(c); shall be ruled on by the Court without oral argument; and shall be noted for consideration no later than 14 days after filing the petition. All cases shall proceed in the original case assignment area until an order of transfer is entered. Proceedings in the assigned area shall not preclude the timely filing of a motion to transfer.

(E) Venue not affected. This rule shall not affect whether venue is proper in any Superior Court facility in King County.

(5) Where Pleadings and Documents Filed. Pleadings and documents in paper form for any truancy action in King County shall be filed with the Clerk of the Superior Court at

the court facility in the case assignment area of the case. Documents filed in electronic form, pursuant to GR 30, must be filed in a manner prescribed by the Clerk.

(6) Inclusion of Case Assignment Area Code. All pleadings and document shall contain after the cause number the case assignment area code assigned by the Clerk for the case assignment area in which court proceedings are to be held. The Clerk may reject pleadings or documents that do not contain this case assignment area code.

(7) Case Assignment Designation Form. The Case Assignment Designation Form shall be in substantially the following form:

CASE ASSIGNMENT DESIGNATION

I certify that this case meets the case assignment criteria, described in King County LjuCR 12.1 for the:

_____ Seattle Area, defined as
Seattle (1); Mercer Island (400);Vashon (402); Skykomish (404); Bellevue (405); Riverview (407); Snoqualmie (410); Issaquah (411); Shoreline (412); Lake Washington (414); and Northshore (417).

_____ Kent Area, defined as
Federal Way (210); Enumclaw (216); Renton (403); South Central (406); Auburn (408); Tahoma (409); Kent (415); and Highline (401).

_____ _____
Signature of Petitioner Date

[Adopted effective April 14, 1997; September 1, 1999; September 1, 2004.]

KING COUNTY LOCAL RULES FOR MANDATORY ARBITRATION
I. SCOPE AND PURPOSE OF RULES

LMAR 1.1 APPLICATION OF RULES-PURPOSE AND DEFINITIONS

(a) Purpose. The purpose of mandatory arbitration of civil actions under RCW 7.06 as implemented by the Mandatory Arbitration Rules is to provide a simplified and economical procedure for obtaining the prompt and equitable resolution of disputes involving claims subject to arbitration by state law. The Mandatory Arbitration Rules as supplemented by these local rules are not designed to address every question which may arise during the arbitration process, and the rules give considerable discretion to the arbitrator. The arbitrator should not hesitate to exercise that discretion. Arbitration hearings should be informal and expeditious, consistent with the purpose of the statutes and rules.

(b) "Director" Defined. In these rules, "Director" means the Director of Arbitration for the King County Superior Court. The appointment of the Director and other administrative matters are addressed in Local Rule 8.6, Administration.

[Amended effective June 10, 1982.]

LMAR 1.3 RELATIONSHIP TO SUPERIOR COURT JURISDICTION AND OTHER RULES-MOTIONS

All motions relating to mandatory arbitration, other than motions for presentation of judgment pursuant to LMAR 6.3 or discovery motions pursuant to LMAR 4.2, shall be brought before the assigned Judge. Cases not assigned shall be brought before the Chief Civil Judge for cases with an SEA designation and before the Chief Judge of the Regional Justice Center for cases with a KNT designation.

[Amended effective September 1, 2003]

II. TRANSFER TO ARBITRATION AND ASSIGNMENT OF ARBITRATOR

LMAR 2.1 TRANSFER TO ARBITRATION

(a) Statement of Arbitrability. A party believing a case to be suitable for mandatory arbitration pursuant to MAR 1.2 shall promptly file a statement of arbitrability upon a form prescribed by the Court. After the date indicated on the case schedule has passed, a statement of arbitrability may be filed only by leave of the Court upon a showing of good cause.

(b) Response to a Statement of Arbitrability.

(1) Within 14 days after the statement of arbitrability is served and filed, a party who objects to the statement of arbitrability, on the ground that the objecting party's own claim or counterclaim is not arbitrable, shall serve and file a response on a form prescribed by the Court. If such a response is timely served and filed, the matter shall be administratively removed from arbitration. In the absence of such timely response, the statement of arbitrability shall be deemed correct. A party who fails to serve and file a response within the time prescribed may later do so only upon leave of the Court for good cause shown.

(2) A party who objects to a statement of arbitrability on the ground that a claim of the party who filed the statement is not subject to arbitration shall note a motion pursuant to LMAR 1.3.

(c) Filing Amendments. A party may amend or withdraw a statement of arbitrability or response at any time before assignment of an arbitrator and thereafter only upon leave of the court for good cause shown.

(d) By Stipulation: A case in which all parties file a stipulation to arbitrate under MAR 8.1(b) will be placed on the arbitration calendar regardless of the nature of the case or amount in controversy, provided the stipulation is filed before the deadline for filing the statement of arbitrability or, thereafter, by leave of the Court.

[Amended effective September 1, 1981; June 10, 1982; January 1, 1990; September 1, 1992; September 1, 2003.]

LMAR 2.3 ASSIGNMENT TO ARBITRATOR

(a) Generally; Stipulations. When a case is set for arbitration, a list of five proposed arbitrators will be furnished to the parties. A master list of arbitrators will be made available on request. The parties are encouraged to stipulate to an arbitrator. In the absence of a stipulation, the arbitrator will be chosen from among the five proposed arbitrators in the manner defined by this rule.

(b) Response by Parties. Each party may, within 14 days after a list of proposed arbitrators is furnished to the parties, nominate one or two arbitrators and strike two arbitrators from the list. If both parties respond, an arbitrator nominated by both parties will be appointed. If no arbitrator has been nominated by both parties, the Director will appoint an arbitrator from among those not stricken by either party.

(c) Response by Only One Party. If only one party responds within 14 days, the Director will appoint an arbitrator nominated by that party.

(d) No Response. If neither party responds within 14 days, the Director will appoint one of the five proposed arbitrators.

(e) Additional Arbitrators for Additional Parties. If there are more than two adverse parties, at least two additional proposed arbitrators shall be added to the list with the above principles of selection to be applied. The number of adverse parties shall be determined by the Director, subject to review by the Presiding Judge.

[Amended September 1, 1981.]

III. ARBITRATORS

LMAR 3.1 QUALIFICATIONS

(a) Arbitration Panel. There shall be a panel of arbitrators in such numbers as the administrative committee may from time to time determine. A person desiring to serve as an arbitrator shall complete an information sheet on the form prescribed by the Court. A list showing the names of arbitrators available to hear cases and the information sheets will be available for public inspection in the Director's office. The oath of office on the form prescribed by the Court must be completed and filed prior to an applicant being placed on the panel.

(b) Refusal; Disqualification. The appointment of an arbitrator is subject to the right of that person to refuse to serve. An arbitrator must notify the Director immediately if refusing to serve or if any cause exists for the arbitrator's disqualification from the case upon any of the grounds of interest, relationship, bias or prejudice set forth in CJC Canon 3(c) governing the disqualification of Judges. If disqualified, the arbitrator must immediately return all materials in a case to the Director.

LMAR 3.2 AUTHORITY OF ARBITRATORS

An arbitrator has the authority to:

(a) Determine the time, place and procedure to present a motion before the arbitrator.

(b) Require a party or attorney advising such party or both to pay the reasonable expenses, including attorney's fees, caused by the failure of such party or attorney or both to obey an order of the arbitrator unless the arbitrator finds that the failure was substantially justified or that other circumstances make an award of expenses unjust. The arbitrator shall make a special award for such expenses and shall file such award with the Clerk of the Superior Court, with proof of service of a party on each party. The aggrieved party shall have ten days thereafter to appeal the award of such expense in accordance with the procedures described in RCW 2.24.050. If within ten days after the award is filed no party appeals, a judgment shall be entered in a manner described generally under MAR 6.3.

(c) Award attorney's fees as authorized by these rules, by contract or by law.

[Amended effective January 1, 1990; September 1, 1992.]

IV. PROCEDURES AFTER ASSIGNMENT

LMAR 4.2 DISCOVERY

(a) In determining when additional discovery beyond that directly authorized by MAR 4.2 is reasonably necessary, the arbitrator shall balance the benefits of discovery against the burdens and expenses. The arbitrator shall consider the nature and complexity of the case, the amount in controversy, values at stake, the discovery that has already occurred, the burdens on the party from whom discovery is sought, and the possibility of unfair surprise which may result if discovery is restricted. Authorized discovery shall be conducted in accordance with the civil rules except that motions concerning discovery shall be determined by the arbitrator.

(b) Discovery Pending at the Time Arbitrator is Assigned. Discovery pending at the time the case is assigned to an arbitrator is stayed pending order from the arbitrator or except as the parties may stipulate or except as authorized by MAR 4.2.

[Amended September 1, 1981.]

LMAR 4.4 NOTICE OF SETTLEMENT

(a) Notice of Settlement. After any settlement that fully resolves all claims against all parties, the plaintiff shall, within five court days or before the arbitration hearing, whichever is sooner, file and serve a written notice of settlement. The notice shall be filed with both the arbitrator and the Court. Where the notice cannot be filed with the arbitrator before the

arbitration hearing, the plaintiff shall notify the arbitrator of the settlement by telephone prior to the hearing, and the written notice shall be filed and served within five court days after the settlement.

(b) Form of Notice. The notice of settlement shall be in substantially the following form:

NOTICE OF SETTLEMENT OF ALL CLAIMS AGAINST ALL PARTIES

Notice is hereby given that all claims against all parties in this action have been resolved. Any trials or other hearings in this matter may be stricken from the court calendar. This notice is being filed with the consent of all parties.

If an order dismissing all claims against all parties is not entered within 45 days after the written notice of settlement is filed, or within 45 days after the scheduled trial date, whichever is earlier, and if a certificate of settlement without dismissal is not filed as provided in LMAR 4.4(d), the case may be dismissed on the Clerk's motion pursuant to LMAR 4.4(c).

_____ _____

Date Attorney for Plaintiff

_____

WSBA No.

(c) Dismissal on Clerk's Motion. If an order dismissing all claims against all parties is not entered within 45 days after the written notice of settlement is filed, or within 45 days after the scheduled arbitration hearing date, whichever is earlier, or if a certificate of settlement without dismissal is not filed as provided in section (d) below, the Clerk will issue notice to the attorneys of record that the case will be dismissed by the Court for want of prosecution unless within 14 days after the issuance a party makes a written application to the Court, showing good cause why the case should not be dismissed. If good cause is shown, the case may be reinstated to the original arbitrator for an additional 90 days or for such period of time as the Court may designate. If an order dismissing all claims against all parties is not entered during that additional period of time, the Clerk shall issue another notice as described above.

(d) Settlement Without Dismissal. If the parties have reached a settlement fully resolving all claims against all parties, but wish to postpone dismissal beyond the period set forth in section (c) above, the parties may, within 30 days after filing the Notice of Settlement of All Claims, file a Certificate of Settlement Without Dismissal in substantially the following form (or as amended by the Court):

CERTIFICATE OF SETTLEMENT
WITHOUT DISMISSAL

I. BASIS

1.1 Within 30 days of filing of the Notice of Settlement of All Claims required by King County

Local Rules for Mandatory Arbitration 4.4(a), the parties to the action may file a Certificate of Settlement Without Dismissal with the Clerk of the Superior Court.

II. CERTIFICATE

2.1 The undersigned counsel for all parties certify that all claims have been resolved by the parties. The resolution has been reduced to writing and signed by every party and every attorney. Solely for the purpose of enforcing the settlement agreement, the Court is asked not to dismiss this action.

2.2 The original of the settlement agreement is in the custody of:_____
at:_____.

2.3 No further Court action shall be permitted except for enforcement of the settlement agreement. The parties contemplate that the final dismissal of this action will be appropriate as of:_____.

Date:_____

III. SIGNATURES

_____	_____
Attorney for Plaintiff/Petitioner	Attorney for Defendant/Respondent
WSBA No._____	WSBA No._____
_____	_____
Attorney for Plaintiff/Petitioner	Attorney for Defendant/Respondent
WSBA No._____	WSBA No._____

IV. NOTICE

The filing of this Certificate of Settlement Without Dismissal with the Clerk automatically cancels any pending due dates of the Case Schedule for this action, including the scheduled hearing date.

On or after the date indicated by the parties as appropriate for final dismissal, the Clerk will notify the parties that the case will be dismissed by the Court for want of prosecution, unless within 14 days after the issuance a party makes a written application to the Court, showing good cause why the case should not be dismissed.

[Adopted effective January 1, 1990; amended effective September 1, 1992; September 1, 1993; September 1, 2004]

V. HEARING

LMAR 5.1 NOTICE OF HEARING-TIME AND PLACE-CONTINUANCE

An arbitration hearing may be scheduled at any reasonable time and place chosen by the arbitrator. The arbitrator may grant a continuance without court order. The parties may stipulate to a continuance only with the permission of the arbitrator. The arbitrator shall give reasonable notice of the hearing date and any continuance to the Director.

LMAR 5.2 PREHEARING STATEMENT OF PROOF-DOCUMENTS FILED WITH COURT

In addition to the requirements of MAR 5.2, each party shall also furnish the arbitrator with copies of pleadings and other documents contained in the court file which that party deems relevant.

LMAR 5.3 CONDUCT OF HEARING-WITNESSES-RULES OF EVIDENCE

(a) Oath or Affirmation. The arbitrator shall place a witness under oath or affirmation before the witness presents testimony.

(b) Recording. The hearing may be recorded electronically or otherwise by any party or the arbitrator.

(c) Rules of Evidence, Generally. The Rules of Evidence, to the extent determined by the arbitrator to be applicable, should be liberally construed in accordance with Local Rule 1.1 (Application of Rules) to promote justice. The parties should stipulate to the admission of evidence when there is no genuine issue as to its relevance or authenticity.

(d) Certain Documents Presumed Admissible. The documents listed below, if relevant, are presumed admissible at an arbitration hearing, but only if (1) the party offering the document serves on all parties a notice, accompanied by a copy of the document and the name, address and telephone number of its author or maker, at least 14 days prior to the hearing in accordance with MAR 5.2; and (2) the party offering the document similarly furnishes all other parties with copies of all other related documents from the same author or maker. This rule does not restrict argument or proof relating to the weight of the evidence admitted, nor does it restrict the arbitrator's authority to determine the weight of the evidence after hearing all of the evidence and the arguments of opposing parties. The documents presumed admissible under this rule are:

(1) A bill, report, chart, or record of a hospital, doctor, dentist, registered nurse, licensed practical nurse, physical therapist, psychologist or other health care provider, on a letterhead or billhead;

(2) A bill for drugs, medical appliances or other related expenses on a letterhead or billhead;

(3) A bill for, or an estimate of, property damage on a letterhead or billhead. In the case of an estimate, the party intending to offer the estimate shall forward with the notice to the adverse party a statement indicating whether or not the property was repaired, and if it was,

whether the estimated repairs were made in full or in part, attaching a copy to the receipted bill showing the items of repair and the amount paid;

(4) A police, weather, wage loss, or traffic signal report, or standard United States government life expectancy table to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;

(5) A photograph, x-ray, drawing, map, blueprint or similar documentary evidence, to the extent it is admissible under the Rules of Evidence, but without the need for formal proof of authentication or identification;

(6) The written statement of any other witness, including the written report of an expert witness, and including a statement of opinion which the witness would be allowed to express if testifying in person, if it is made by affidavit or by declaration under penalty of perjury;

(7) A document not specifically covered by any of the foregoing provisions but having equivalent circumstantial guarantees of trustworthiness, the admission of which would serve the policies and purposes expressed in Local Rule 1.1 and the interests of justice.

(e) Opposing Party May Subpoena Author or Maker as Witness. Any other party may subpoena the author or maker of a document admissible under this rule, at that party's expense, and examine the author or maker as if under cross examination.

VI. AWARD

LMAR 6.1 FORM AND CONTENT OF AWARD

(a) Form. The award shall be prepared on the form prescribed by the Court.

(b) Return of Exhibits. When an award is filed, the arbitrator shall return all exhibits to the parties who offered them during the hearing.

LMAR 6.2 FILING OF AWARD

(a) Extension of Time. A request by an arbitrator for an extension of time for the filing of an award under MAR 6.2 may be presented to the Director, ex parte. The Director may grant or deny the request, subject to review by the Presiding Judge. The arbitrator shall give the parties notice of any extension granted.

(b) Attorneys Fees. Any motion for actual attorney fees, whether pursuant to contract, statute, or recognized ground in equity, must be presented to the arbitrator, as follows:

(1) Any motion for an award of attorney fees must be submitted to the arbitrator and served on opposing counsel and the arbitration department within seven calendar days of filing of the award. There shall be no extension of this time.

(2) Any response to the motion for fees must be submitted to the arbitrator and served upon opposing counsel within seven calendar days after receipt of the motion.

(3) The arbitrator shall render a decision on the motion, in writing, within 14 days after the motion is made.

(4) The decision shall be filed and served on all parties and the arbitration department.

(5) A decision on attorney fees shall not extend the time for appeal of the original decision.

[Amended effective September 1, 1999]

LMAR 6.3 JUDGMENT ON AWARD

(a) Presentation. A judgment on an award shall be presented to the Ex Parte Department, by any party, on notice in accordance with MAR 6.3.

VII. TRIAL DE NOVO

LMAR 7.1 REQUEST FOR TRIAL DE NOVO-CALENDAR-JURY DEMAND

(a) Assignment of Trial Date. If there is a request for a trial de novo, the Court will assign an accelerated trial date. A request for trial de novo may include a request for assignment of a particular trial date or dates, provided that the date or dates requested have been agreed upon by all parties and are between 60 and 120 days from the date the request for trial de novo is filed.

(b) Jury Demand. Any jury demand shall be served and filed by the appealing party along with the request for trial de novo, and by a non-appealing party within 14 calendar days after the request for trial de novo is served on that party. If no jury demand is timely filed, it is deemed waived.

(c) Case Schedule. Cases originally governed by a Case Schedule pursuant to LR 4, 4.1, or 4.1A will again become subject to a Case Schedule if a trial de novo is requested. Promptly after the request for trial de novo is filed, the Court will issue to all parties a Notice of Trial Date together with an Amended Case Schedule, which will govern the case until the trial de novo. The Amended Case Schedule will include the following deadlines:

	Weeks Before Trial
Discovery Cutoff (LR 37(g)):	7
Pretrial Conference (individual calendar option only) (LR 16):	[may be ordered by preassigned Judge]
Exchange of Witness and Exhibit Lists and Documentary Exhibits (LR 16):	3
Deadline for Hearing Dispositive Pretrial Motions (LR 56):	2
Joint Statement of Evidence (LR 16):	1
Trial	

(LR 40):.....0

(d) Motion to Change Trial Date. No later than 21 days after the date of the Notice of Trial Date, any party may move to change the trial date, but no such motion will be granted unless it is supported by a showing of good cause. If a motion to change the trial date is made later than 21 days after the Notice of Trial Date, the motion will not be granted except under extraordinary circumstances where there is no alternative means of preventing a substantial injustice.

[Amended September 1, 1981; March 21, 1985; amended effective January 1, 1990; September 1, 1992; September 1, 2004.]

LMAR 7.2 PROCEDURE AT TRIAL

The Clerk shall seal any award if a trial de novo is requested.

LMAR 7.3 COSTS AND ATTORNEY FEES

MAR 7.3 shall apply only to costs and reasonable attorney's fees incurred since the filing of the request for a trial de novo.

VIII. GENERAL PROVISIONS

LMAR 8.1 STIPULATIONS-EFFECT ON RELIEF GRANTED

If a case not otherwise subject to mandatory arbitration is transferred to arbitration by stipulation, the arbitrator may grant any relief which could have been granted if the case were determined by a Judge.

LMAR 8.3 EFFECTIVE DATE

These rules become effective on October 1, 1980. With respect to civil cases pending on that date, if the case has not at that time received a trial date, or if the trial has been set for later than January 1, 1981, any party may serve and file a statement of arbitrability indicating that the case is subject to mandatory arbitration. If within 14 days no party files a response indicating the case is not subject to arbitration, the case will be transferred to the arbitration calendar. A case set for trial earlier than January 1, 1981, will be transferred to arbitration only on stipulation.

LMAR 8.4 TITLE AND CITATION

These rules are known and cited as the King County Superior Court Mandatory Arbitration

Rules. LMAR is the official abbreviation.

LMAR 8.5 COMPENSATION OF ARBITRATOR

(a) Generally. Arbitrators shall be compensated in the same amount and manner as Judges pro tempore of the Superior Court. Hearing time and reasonable preparation time are compensable.

(b) Form. When the award is filed, the arbitrator shall submit to the Director a request for payment on a form prescribed by the Court. The Director shall determine the amount of compensation to be paid. The decision of the Director will be reviewed by the Presiding Judge at the request of the arbitrator.

LMAR 8.6 ADMINISTRATION

(a) The Presiding Judge shall designate a person to serve as Director of Arbitration. The Director, under the supervision of the Presiding Judge, shall supervise arbitration under these rules, and perform any additional duties which may be delegated by the Presiding Judge.

(b) There shall be an administrative committee composed of three Judges chosen by the Presiding Judge and three members of the Washington State Bar Association, one each chosen by the Seattle-King County Bar Association, the Washington Association of Defense Counsel, and the Washington State Trial Lawyers's Association. The members of the committee shall serve for staggered three-year terms and may be reappointed.

(c) The administrative committee shall have the power and duty to:

(1) Select its chairperson and provide for its procedures;

(2) Appoint the panel of arbitrators provided in Rule 3.1(a);

(3) Remove a person from a panel of arbitrators;

(4) Establish procedures for selecting an arbitrator not inconsistent with the Mandatory Arbitration Rules or these rules;

(5) Review the administration and operation of the arbitration program periodically and make recommendations as it deems appropriate to improve the program.

LOCAL RULES FOR APPEAL OF DECISIONS OF COURTS OF LIMITED JURISDICTION (RALJ)

KCLRALJ 2.6 CONTENT OF NOTICE OF APPEAL

(h) Failure to Include Information. Failure to properly specify parties, claimed errors or other required information may result in the dismissal of the appeal or the imposition of terms.

[Amended effective September 1, 1987, September 1, 1996.]

TITLE 3. ASSIGNMENT OF CASES IN SUPERIOR COURT

KCLRALJ 3.1 HEARINGS

(a) RALJ Dismissal Calendar. All motions to stay and/or continue RALJ hearings shall be set for the RALJ Dismissal Calendar via a note for the RALJ Calendar. Such note must be filed and served no later than five court days before the hearing on the motion.

(b) Case Schedule. The clerk shall issue a Case Scheduling Order upon the filing of a notice of appeal.

[Amended effective September 1, 1987; September 1, 1989; September 1, 1993, September 1, 1996; September 1, 2004.]

KCLRALJ 3.2 CHANGE OF SUPERIOR COURT JUDGE

(e) Affidavit of Prejudice. The judge scheduled to hear the matter shall rule on affidavits of prejudice and order of transfer. CrR 8.9 shall apply.

[Amended effective September 1, 1987; September 1, 2001.]

KCLRALJ 7.1 BRIEFS

(a) Page limits. The opening brief of the appellant or petitioner and the brief of the respondent may not exceed twenty-four pages. The reply brief may not exceed twelve pages.

(b) Motion for overlength brief. Any motion for overlength brief shall be submitted to the judge assigned to hear the appeal (or if not yet assigned, to the judge assigned to the RALJ dismissal calendar) for decision without oral argument in conformance with the requirements of LR 7(b)(10).

[Adopted effective September 1, 2004]

KCLRALJ 8.3 TIME ALLOWED AND ORDER OF ARGUMENT

Each side shall be allowed ten minutes for oral argument. The first party to file a notice of appeal is entitled to open and conclude oral argument, unless otherwise ordered by the Court. A respondent who has not served and filed a brief seven days in advance of the scheduled hearing date will not be permitted to make oral argument.

Each of the parties shall deliver a courtesy copy of its brief to the hearing Judge no later than noon of the day before the argument. The date of the argument shall be noted on the brief cover sheet.

[Amended effective September 1, 1987.]

TITLE 9. SUPERIOR COURT DECISION

KCLRALJ 9.1 BASIS OF DECISION ON APPEAL

(f) Form of Decision. Unless the court prepares its own decision, the decision of the Superior Court shall be prepared by the prevailing party, and shall be filed with the clerk's office within 15 days, see CR 54(e) and CR 58(a) and (b).

KCLRALJ 9.2 ENTRY OF DECISION

(c) Court of Limited Jurisdiction. The clerk of the Superior Court shall transmit a copy of the decision of the Superior Court on appeal to the court of limited jurisdiction rendering the decision that was the subject of the appeal and copy to each party in the case within 30 days following the filing of the Superior Court decision.

(d) Motion for Reconsideration. All motions for reconsideration must comply with the procedure set forth in LR 7(b)(5).

[Amended effective September 1, 1987; September 1, 2001.]

TITLE 10. VIOLATION OF RULES--SANCTIONS AND DISMISSAL

KCLRALJ 10.1 VIOLATION OF RULES GENERALLY

The Superior Court on its own initiative or Clerk's motion or on motion of a party may order a party or counsel who uses these rules for the purpose of delay or who fails to comply with these rules to pay terms of compensatory damages to any other party who has been harmed by the delay or the failure to comply. The Superior Court may condition a party's right to participate further in the appeal on compliance with the terms of a sanction order, including an order directing payment of an award by a party. If an award is not paid within the time specified by the Superior Court, the Superior Court shall direct the entry of a judgment in accordance with the award.

[Amended effective September 1, 1987.]

KCLRALJ 10.2 DISMISSAL OF APPEAL

(c) Dismissal on Clerk's Motion. The Superior Court will, on motion of the Clerk of the Superior Court, dismiss an appeal of the case when the appellant fails to timely file a brief, with the Transcript by Appellant of the electronic recording of proceeding, or failure of the lower court to file a transcript of record. The Superior Court Clerk shall note the case on the dismissal calendar and issue notices of the dismissal hearing to counsel of record or to a person who is not represented by counsel at the addresses contained in the notice of appeal. A dismissal shall result in a remand of the matter to the originating court for the enforcement of judgment or imposition of sentence.

[Amended effective September 1, 1987; September 1, 1989; September 1, 2004.]

TITLE 12. SUPERIOR COURT DECISION AND PROCEDURE AFTER DECISION

KCLRALJ 12.1 MANDATE

(a) Mandate Defined. A "mandate" is the written notification by the Clerk of the Superior Court to the court of limited jurisdiction and to the parties of a Superior Court decision terminating review.

(b) When Mandate Issued by Superior Court. The Clerk of the Superior Court issues the mandate for a Superior Court decision terminating review upon written stipulation of the parties that no notice of appeal or notice of discretionary review will be filed. In the absence of that stipulation, the Clerk issues the mandate:

(1) 30 days after the decision is filed, unless notice of appeal or discretionary review to the Court of Appeals or Supreme Court has been earlier filed.

(2) If a notice of appeal or discretionary review has been timely filed and denied by the Court of Appeals or Supreme Court, upon receipt of the denial of the petition for review.

[Amended effective September 1, 1987.]

KING COUNTY LOCAL GUARDIAN AD LITEM RULES

LGALR 1. APPLICABILITY

These rules for guardians ad litem shall be referred to as KCLGALR. These rules apply to guardians ad litem appointed by the court pursuant to Title 11, Title 13 or Title 26 RCW, and to guardians ad litem appointed pursuant to Special Proceeding Rule (SPR) 98.16W, RCW 4.08.050 and RCW 4.08.060.

These rules do not apply to guardians ad litem or Special Representatives appointed pursuant Chapter 11.96A RCW; Court Appointed Special Advocates (CASA) with respect to whom other grievance procedures apply; persons appointed to serve as Custodians for Minors pursuant to Chapter 11.114 RCW, or guardians ad litem to hold funds for incapacitated persons under Title 11 RCW.

Complaints by guardians ad litem or by other persons against guardians ad litem (also referred to as “grievances”) shall be administered by this process.

[Adopted effective September 1, 2003]

LGALR 2. REGISTRIES

The court shall establish rotational registries for the appointment of guardians ad litem to whom this Rule applies. Absent a finding of good cause the court shall appoint from the registry in rotational sequence. The qualifications and processes for application, selection, education, compensation, and retention for guardians ad litem on each of the registries shall be as set forth in Administrative Procedures adopted by the court. These administrative procedures may be

obtained from the King County Superior Court Clerk's website or by contacting the Court's Guardian Ad Litem Registry Manager.

[Adopted effective September 1, 2003]

LGALR 3. DUTIES OF THE GUARDIAN AD LITEM

A guardian ad litem (GAL) shall comply with the court's instructions as set out in the order appointing a guardian ad litem, and shall not provide or require services beyond the scope of the court's instructions unless by motion and on adequate notice to the parties, a guardian ad litem obtains additional instruction, clarification or expansion of the scope of such appointment.

[Adopted effective September 1, 2003]

LGALR 4. COMPENSATION

Each order appointing a Guardian ad Litem shall specify a limit on the hourly rate and total compensation for the GAL. These amounts may be increased or modified only upon application to the court in advance of the GAL providing further services. All fee requests are subject to review and approval by the court. An application to increase the fee limits shall be presented upon notice to all parties. An order authorizing an increase in the fee limits shall set forth a specific new limit or amount of increase, and shall indicate generally the duties to be provided during such additional time.

[Adopted effective September 1, 2003]

LGALR 5. GRIEVANCES MADE BY OR AGAINST GUARDIANS AD LITEM

(a) Filing a Grievance. A guardian ad litem having a complaint or a person having a grievance against a guardian ad litem shall complete a complaint in a form approved by the court and file it with the Registry Manager.

(1) The Registry Manager shall immediately deliver the complaint to the presiding judge or to such person designated by the presiding judge to resolve such complaints. Such designee shall be a judge of the King County Superior Court.

(2) Upon receipt of the complaint, the Presiding Judge may retain the matter for decision or assign it to a designee for decision.

(b) Procedure for Processing Complaint. The presiding judge or designee will make an initial determination as to whether the complaint has potential merit. If potential merit is found, a response to the complaint will be requested, and the complaining party will be given an opportunity to reply to the response. The Presiding Judge or designee may schedule a hearing, request additional materials, or enter a decision based upon a review of the record alone. The decision of the presiding judge or designee shall be the final resolution of the complaint. If the complaint relates to a pending case the complaint shall be resolved within 25 days of the receipt of the complaint. If the complaint is made subsequent to the conclusion of a case, the complaint

shall be resolved within 60 days of receipt.

(c) Remedies. If the complaint is sustained, in whole or in part, the court may suspend or remove of the guardian ad litem from the Registry; or impose other appropriate sanctions. During the pendency of this process the Guardian ad Litem may continue to receive appointments and shall continue to serve in appointed cases, unless otherwise provided by order of the Presiding Judge or designee.

(d) Fair Treatment of Grievances. All notices, proceedings and other activities taken pursuant to the grievance process shall observe provisions for fair treatment, due process, notice, the right to be heard and the appearance of fairness.

(e) Confidentiality. The complaint, investigation, report and all aspects of the grievance process shall remain confidential until merit is found.

(f) Records of Grievances. The court shall maintain a record of grievances filed and of any sanctions issued pursuant to the court's grievance procedure.

(g) Notice to the Administrative Office of the Courts (AOC). When a Guardian ad Litem is removed from a Registry pursuant to the disposition of a grievance, the Registry Manager shall promptly send notice of the removal to AOC.

[Adopted effective September 1, 2003]

LGALR 6. ACTUAL OR APPARENT CONFLICTS OF INTEREST

(a) Representation of More Than One Person in the Same Proceeding. A Guardian ad Litem may represent the interests of two or more persons in the same family or class when expressly permitted by court order. Such multiple representation may be reviewed by the court upon request of the Guardian ad Litem or any other party who requests a review of the propriety of the multiple representation or further instruction, such as when a conflict, actual or apparent, arises as among those whose best interests are represented by the Guardian ad Litem.

(b) Disclosures in Statement of Qualifications. A Guardian ad litem shall include in the Statement of Qualifications filed pursuant to RCW 11.88.090 a statement as to whether the guardian ad litem currently represents any professional guardians, and if so, the name(s) of such guardian(s).

(c) Multiple Roles in Same Proceeding; Self-Dealing. Absent written order, a Guardian ad Litem shall not solicit or accept employment in any other capacity in the same cause or which pertains to the party on whose behalf the Guardian ad Litem was appointed during or after the Guardian ad Litem's service. Other capacities include, without limitation, attorney for another party, estate planner, guardian, trustee, fiduciary appointee, mediator, arbitrator, adjudicator, or care provider. A GAL may, upon court order, be re-appointed subsequently in the proceeding. With court order, Guardians ad Litem who are attorneys may draft pleadings to initiate related proceedings, in fulfillment of the duties in the proceeding for which they were first appointed.

(d) Recommendations Made in the Self-Interest of the Guardian ad Litem. A Guardian ad Litem shall not recommend the appointment or employment of a person or entity in which the Guardian ad Litem, a member of the Guardian ad Litem's family, or a business associate of the Guardian ad Litem has any interest. A Guardian ad Litem may recommend a

person or entity who is or has been a client of the Guardian ad Litem only upon full written disclosure of the material facts to all parties, interested persons and the court; and provided that such disclosure does not violate any privilege or confidence of the client.

[Adopted effective September 1, 2003]

LGALR 7. EFFECTIVE DATE

This rule shall apply to all appointments or reappointments of guardians ad litem made after the effective date of this rule.

[Adopted effective September 1, 2003]

INDEX

INDEX TO THE LOCAL RULES OF THE SUPERIOR COURT FOR KING COUNTY

Abbreviations

LR	Local Rules
LFLR	Local Family Law Rules
LGR	Local General Rules
LCrR	Local Criminal Rules
LJuCR	Local Juvenile Court Rules
LMAR	Local Rules for Mandatory Arbitration
KCLRALJ	Local Rules for Appeal of Decisions of Courts of Limited Jurisdiction
KCLGALR	Local Guardian Ad Litem Rules